

1 **SECTION 4.** Section 178D of chapter 6 of the General Laws, as appearing in the 2010 Official
2 Edition, is hereby amended by striking out, in lines 31 and 32, the words:- or level 2.

3 **SECTION 5.** Section 16 of chapter 6A of the General Laws, as most recently amended by
4 section 5 of chapter 224 of the acts of 2012, is hereby further amended by adding the following
5 paragraph:-

6 The executive office of health and human services shall establish and maintain a computerized
7 integrated eligibility system, in compliance with chapter 66A; provided that the information is
8 provided in a manner that meets all applicable federal and state privacy and security
9 requirements, to verify income, assets, and identity when determining an applicant's eligibility
10 for assistance, prior to the distribution of benefits and during eligibility redeterminations and
11 reviews, in order to eliminate the duplication of assistance and deter fraud within each public
12 benefits program administered by the office. The office may enter into contracts with third-party
13 vendors for the purposes of developing and maintaining the integrated eligibility system.

14 **SECTION 6.** Said chapter 6A is hereby further amended by adding the following section:-

15 Section 16V. (a) There shall be within the executive office of health and human services, but not
16 subject to the control of the office, a bureau of program integrity, hereinafter the bureau. The
17 inspector general shall appoint a director of the bureau, who shall serve as an assistant inspector
18 general, and shall serve for a term of 4 years. The inspector general may remove the director for
19 cause and designate an interim director until a new director is appointed. The director shall
20 devote full time and attention to the duties of this office.

21 (b) The director of the bureau may appoint such persons as are necessary to perform the
22 functions of the bureau; provided, however, that section 9A of chapter 30 and chapter 31 shall
23 not apply to any person holding any such appointment. The director may appoint and remove,
24 subject to the approval of the inspector general, such expert, clerical or other assistants as the
25 work of the bureau may require. Employees shall devote their full-time and attention to their
26 duties while employed with the bureau and shall be subject to the rules and regulations
27 established for employees of the office of the inspector general pursuant to section 4 of chapter
28 12A.

29 (c) The bureau shall monitor the quality, efficiency and integrity of programs administered by
30 the executive office of health and human services. The bureau shall seek to prevent, detect and
31 correct fraud, waste and abuse in the expenditure of public funds for benefit programs including,
32 but not limited to, MassHealth, Transitional Aid to Families with Dependent Children,
33 Emergency Assistance to Elders, Disabled and Children, the Supplemental Nutrition Assistance
34 Program and other assistance benefits distributed via electronic benefit cards.

35 (d) In addition to the responsibilities set forth in subsection (c), the bureau shall have the
36 following duties: (i) review current eligibility intake and determination procedures for public

37 benefit programs administered by the office of health and human services; (ii) assist in the
38 development of any new intake procedures and regulations for eligibility determination; (iii)
39 monitor whether eligibility regulations are being followed by the administering agency; (iv)
40 assist with the coordination with other state agencies to transmit and collect data on
41 beneficiaries; (v) coordinate with the program integrity division under the department of
42 transitional assistance; (vi) provide training to employees serving under the office of health and
43 human services on methods of intake procedures and beneficiary determination; and (vii)
44 automate reporting of indicators of potential fraud cases.

45 (e) The bureau shall coordinate and consult with the executive office of health and human
46 services on the efforts to verify eligibility for recipients of benefit programs through the sharing
47 of information with other agencies and departments, including but not limited to, the department
48 of revenue, the department of elementary and secondary education, the department of
49 unemployment assistance, the department of industrial accidents, the registry of motor vehicles,
50 the department of criminal justice information services and the department of corrections.

51 (f) The director may report and refer instances of fraud, waste or abuse of public benefits to the
52 inspector general for investigation pursuant to section 8 of chapter 12A, and the results of such
53 investigation may be referred to the attorney general or state auditor for appropriate action.

54 **SECTION 7.** Said chapter 6A is hereby further amended by adding the following section:-

55 Section 18M. (a) There shall be a standing commission to study the commonwealth's criminal
56 justice system consisting of the following members: the secretary of public safety and security,
57 who shall serve as chair; the attorney general or a designee; the chief justice of the supreme
58 judicial court or a designee; the president of the Massachusetts Sheriffs' Association or a
59 designee; the president of the Massachusetts District Attorneys' Association or a designee; the
60 chief counsel of the committee for public counsel services or a designee; a representative from
61 the Massachusetts Bar Association; a representative from the Boston Bar Association; a
62 representative from the Massachusetts Association of Criminal Defense Lawyers, Inc.; 3
63 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 3
64 members of the senate, 1 of whom shall be appointed by the minority leader; and 3 persons to be
65 appointed by the governor, 1 of whom shall have experience in mental health and substance
66 abuse and addiction treatment, 1 of whom shall have experience in providing services or
67 supervision for offenders and 1 of whom shall have experience in juvenile justice.

68 (b) In reviewing the commonwealth's criminal justice system, the commission shall examine a
69 variety of areas including, but not limited to: the prisoner classification systems; the sentencing
70 commission's authority to revisit mandatory minimum sentences and sentencing guidelines; the
71 provision of cost-effective healthcare in corrections' settings; the probation and parole systems,
72 with particular emphasis on their relative roles in pretrial diversion and post-release supervision;
73 the operations of the sheriffs' offices; conditions of confinement, including overcrowding in
74 prisons and houses of correction and the provision of health care and mental health and
75 substance abuse treatment; recidivism rates; the treatment of juveniles within the criminal justice
76 system; the impact of mental health and substance abuse issues; and best practices for

77 reintegrating prisoners into the community, including an investigation of expanded community
78 supervision.

79 (c) Where feasible, the chair of the commission shall apply for technical assistance from
80 nationally recognized criminal justice reform programs with a data driven approach in order to
81 develop bipartisan legislation that would reduce corrections spending and utilize the savings to
82 reduce crime, strengthen public safety and fund other budget priorities; provided, however, that
83 the commission shall give priority in applying to those programs whose technical assistance
84 comes at no cost to the commonwealth.

85 (d) The commission shall have access to information related to both adults and juveniles,
86 including, but not limited to, crime, arrest, conviction, jail, prison, probation and parole
87 supervision data provided by state and local agencies; provided, however that any information
88 sharing shall be in compliance with chapter 66A and shall be provided in a manner that meets all
89 applicable federal and state privacy and security requirements. As necessary, the commission
90 shall: (i) meet with affected stakeholders, (ii) partner with nongovernmental organizations that
91 have expertise that can benefit the commission, and (iii) create advisory subgroups that include
92 affected stakeholders as necessary.

93 (e) The commission shall issue annual reports on or before March 31 on its activities, which shall
94 include recommendations for legislation to reduce recidivism, improve overall public safety
95 outcomes, provide alternatives for drug addicted and mentally ill defendants, increase
96 communication and cooperation among public safety entities, reduce overcrowding of facilities,
97 increase reliance upon evidence-based criminal justice methods, improve the collection and
98 reporting of data on adults and juveniles, contain correction costs and otherwise increase
99 efficiencies within the state's public safety entities.

100 **SECTION 8.** Section 53 of the chapter 7 of the General Laws is hereby amended by striking out,
101 in line 17, the figure "\$500,000" and inserting in place thereof the following figure:- \$2,000,000.

102 **SECTION 9.** Section 35V of chapter 10 of the General Laws, as appearing in the 2010 Official
103 Edition, is hereby amended by inserting after the word "division", in line 7, the following
104 words:- and 100 per cent of any fee increase that takes effect on or after July 1, 2013.

105 **SECTION 10.** Said section 35V of said chapter 10, as so appearing, is hereby further amended
106 by striking out the sixth sentence and inserting in place thereof the following sentence:- Moneys
107 deposited into the trust fund that are unexpended at the end of the fiscal year, and that total not
108 more than 50 per cent of the division's expenditures for the previous fiscal year, shall not revert
109 to the General Fund.

110 **SECTION 11.** Section 2 of chapter 15D of the General Laws, as amended by section 1 of
111 chapter 189 of the acts of 2012, is hereby amended by adding the following subsection:-

112 (v) promulgate regulations relative to the conclusiveness of information discovered by an
113 address-based search of the sex offender registry on the licensing or approval of school-aged
114 child care programs, child care centers, family child care homes, placement agencies or large

115 family child care homes, family foster care that is not supervised and approved by a placement
116 agency, group care facilities or temporary shelter facilities, including under what conditions the
117 information received by the department from such search shall be sufficient cause to deny an
118 application for a license or a license renewal.

119 **SECTION 12.** The second paragraph of subsection (a) of section 7 of chapter 15D of the
120 General Laws, as appearing in section 1 of chapter 459 of the acts of 2012, is hereby amended by
121 striking out the first sentence and inserting in place thereof the following sentence:-
122 As part of the department's licensure and background record check process, the department shall
123 obtain from the sex offender registry board all available sex offender registry information
124 associated with the address of the program, center or home, and conduct fingerprint-based
125 checks of the state and national criminal history databases, under 42 U.S.C. section 16962,
126 before issuing any license.

127 **SECTION 13.** The second paragraph of subsection (b) of said section 7 of said chapter 15D, as
128 so appearing, is hereby further amended by striking out the first sentence and inserting in place
129 thereof the following sentence:-
130 As part of the department's approval process, the department shall obtain from the sex offender
131 registry board all available sex offender registry information associated with the address of the
132 center, home or facility, and conduct fingerprint-based checks of the national crime information
133 databases, under 42 U.S.C. section 16962, before issuing any approval.

134 **SECTION 14.** Said chapter 15D is hereby amended by adding the following section:-

135 Section 18. There shall be within the department, but not subject to the control of the department,
136 an office for compliance management. The secretary of administration and finance shall appoint
137 a manager to administer the office and may remove the manager for cause. The compliance
138 manager shall review the oversight procedures utilized by the department to ensure the safety of
139 children attending child care or early education programs licensed by the department. The
140 manager shall consult with the secretary of public safety and security and the secretary of health
141 and human services to develop recommendations and guidelines that facilities licensed by the
142 department shall follow to ensure the health and safety of children attending the facilities.

143 **SECTION 15.** Paragraph (B) of section 2 of chapter 18 of the General Laws, as amended by
144 section 1 of chapter 161 of the acts of 2012, is hereby further amended by adding the following
145 clause:-

146 (k) require the use of photo identification on electronic transfer benefits cards for each eligible
147 household member who is 18 years of age or older.

148 **SECTION 16.** Section 10 of said chapter 18, as appearing in the 2010 Official Edition, is hereby
149 amended by striking out, in line 2, the words "general court" and inserting in place thereof, the
150 following words:- house and senate committees on ways and means.

151 **SECTION 17.** Chapter 19A of the General Laws is hereby amended by adding the following
152 section:-

153 Section 41. There shall be established upon the books of the commonwealth a separate fund to be
154 known as the Veterans Independence Plus Initiative Trust Fund, in this section called the fund.
155 The secretary shall be the trustee of the fund and may expend it, without further appropriation,
156 for the administration of the Veterans Independence Plus Initiative, a joint initiative of the
157 United States Department of Veterans' Affairs and the United States Administration on Aging.
158 Revenues collected by the department from this initiative shall be deposited in the fund. The
159 department may incur expenses, and the comptroller may certify for payment amounts in
160 anticipation of expected receipts; provided that no expenditure shall be made from the fund
161 which will cause the fund to be in deficit at the close of a fiscal year. Any remaining balance in
162 the fund at the end of a fiscal year shall not revert to the General Fund, but instead shall remain
163 in the fund and be available to the department during the following fiscal year for the purposes of
164 this section. The secretary may expend from the fund for services provided in prior fiscal years.

165 **SECTION 18.** Chapter 19B of the General Laws is amended by striking out section 18, as
166 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

167 Section 18. Subject to approval by the secretary of health and human services, the commissioner
168 may enter into interagency agreements with the commissioner of mental health or the office of
169 Medicaid for the coordinated regulation or the coordinated or joint management of certain
170 services that are required or that must be provided by both the department of developmental
171 services and the department of mental health or the office of Medicaid. Such an agreement may
172 be entered where it is determined by the commissioners of the departments or the director of the
173 office of Medicaid: (1) that the services require coordinated regulation to ensure development of
174 substantially similar standards consistent with certain shared needs of mentally ill persons and
175 persons with intellectual disabilities or persons enrolled in the commonwealth's demonstration
176 pursuant to the federal Money Follows the Person program or related waivers, or (2) that the
177 services will be more efficiently and effectively provided by a single, unified management
178 system than by two separate management systems. These services may include, without
179 limitation, transportation, laundry, data processing, certain services to mixed populations of
180 mentally ill and developmentally disabled individuals with common needs for care and treatment
181 or to individuals who are diagnosed as both a person with an intellectual disability and mentally
182 ill, research activities, program monitoring and services provided to persons enrolled in the
183 commonwealth's demonstration pursuant to the federal Money Follows the Person program or
184 related waivers. Coordinated regulation of these services may include, without limitation, such
185 issues as restraint, charges for care, investigations and case management. Pursuant to these
186 agreements, the department of developmental services may assume responsibility for the
187 provision of these services to the department of mental health or the office of Medicaid. These
188 agreements may delegate responsibility to the department of mental health to provide such
189 services to the department of developmental services. These agreements may provide for the
190 expenditure of appropriated funds consistent with such joint management service systems and
191 may further provide for assignment of certain staff to such joint management service system.
192 These agreements shall not, however, conflict with the department of developmental services'
193 primary responsibility for persons with intellectual disabilities regardless of whether those
194 persons are also mentally ill or enrolled in the commonwealth's demonstration pursuant to the
195 federal Money Follows the Person program or related waivers.

196 **SECTION 19.** Chapter 22 of the General Laws is hereby amended by adding the following
197 section:-

198 Section 22. (a) The commissioner may issue a written notice of violation, which shall be a
199 written warning or a citation to assess civil monetary fines of not more than \$5,000 for a
200 violation of the following laws or of regulations adopted thereunder:

201 (1) section 13A; provided, however, that an inspector assigned to the building division or a
202 designee of the architectural access board may also issue a warning or citation under this section;

203 (2) sections 1, 2 and 64 of chapter 105;

204 (3) section 205A of chapter 140; provided, however, that an inspector assigned to the building
205 division or the engineering division of the department may also issue a warning or citation under
206 this section;

207 (4) sections 3V, 9 and 50 of chapter 143; provided, however, that an inspector assigned to the
208 building division of the department may also issue a warning or citation under these sections;

209 (5) sections 65, 71 and 71D of chapter 143; provided, however, that an inspector assigned to the
210 elevator division of the department may also issue a warning or citation under this section;

211 (6) the regulations of the state building code governing licensing of construction supervisors
212 under section 94 of chapter 143; provided, however, that an inspector assigned to the building
213 division of the department may also issue a warning or citation under such regulations;

214 (7) sections 5 to 41, inclusive, sections 53 to 54A, inclusive, sections 70 to 80, inclusive, or
215 section 89 of chapter 146; provided, however, that an inspector assigned to the engineering
216 division of the department may also issue a warning or citation under these sections; and

217 (8) sections 57 and 60 of chapter 147.

218 (b) The commissioner may adopt regulations for the administration and enforcement of this
219 section.

220 (c) The individual issuing the written notice of violation shall indicate on the notice that it is for:
221 (i) a written warning or a citation; and (ii) a violation of the specific law or regulation referenced
222 in subsection (a).

223 (d) A person, firm or corporation who is issued a citation in a written notice of violation may
224 appeal to a hearing officer designated by the secretary of public safety and security within 30
225 days after receipt of the notice. All appeal hearings shall be held in accordance with the standard
226 rules governing informal adjudicatory proceedings adopted under section 9 of chapter 30A.

227 (e) A person, firm or corporation who is issued a citation in a written notice of a violation and
228 who fails to: (i) pay the fines assessed within 30 days after receipt of the notice; (ii) appeal
229 within the 30 days; or (iii) appear at a scheduled appeal hearing, shall be deemed responsible for
230 the violation as stated in the notice. The finding of responsibility shall be admissible as prima
231 facie evidence of responsibility for the violation in any civil proceeding regarding the violation,
232 in any proceeding to suspend or revoke a license, permit or certificate and in any criminal
233 proceeding.

234 (f) The commissioner may assess a fee for appeals filed under this section, to be determined by
235 the secretary of administration and finance under section 3B of chapter 7.

236 **SECTION 20.** Section 63 of chapter 23A of the General Laws, inserted by section 11 of chapter
237 238 of the acts of 2012, is hereby amended by striking out subsection (a) and inserting in place
238 thereof the following subsection:-

239 (a) There shall be established within the executive office of housing and economic development
240 a MassWorks infrastructure program, in this section called the program, to issue public
241 infrastructure grants to municipalities and other public instrumentalities for design, construction,
242 building, land acquisition, rehabilitation, repair and other improvements to publicly-owned
243 infrastructure including, but not limited to, sewers, utility extensions, streets, roads, curb-cuts,
244 parking, water treatment systems, telecommunications systems, transit improvements and
245 pedestrian and bicycle ways. The program shall also provide for commercial and residential
246 transportation and infrastructure development, improvements and various capital investment
247 projects under the growth districts initiative administered by the executive office of housing and
248 economic development. The grants shall be used to assist municipalities to advance projects that
249 support job creation and expansion, housing development and rehabilitation, community
250 development, and small town transportation projects authorized under subsection (e); provided,
251 however, that preference shall be given to projects incorporating smart growth initiatives that are
252 consistent with sustainable development practices in the commonwealth. The program may also
253 be used to match other public and private funding sources to build or rehabilitate transit-oriented
254 housing located within 0.25 miles of a commuter rail station, subway station, ferry terminal or
255 bus station, at least 25 per cent of which shall be affordable.

256 **SECTION 21.** Subsection (b) of section 21 of chapter 62C of the General Laws, as appearing in
257 the 2010 Official Edition, is hereby amended by adding the following clause:-
258 (27) the provision of tax return information regarding individuals or households to Massachusetts
259 governmental agencies for purposes of assessing eligibility of such individuals or households for
260 benefits awarded by such agencies.

261 **SECTION 22.** Said chapter 62C is hereby further amended by striking out section 24A, as so
262 appearing, and inserting in place thereof the following section:-

263 Section 24A. (a) Members or indirect owners of a pass-through entity shall report items of
264 income, expense or credit derived from the pass-through entity in a manner consistent with the
265 reporting of the pass-through entity, except to the extent that a taxpayer member or indirect
266 owner makes a declaration of inconsistency with its original return.

267 (b) The commissioner shall establish by regulation unified audit procedures. The commissioner
268 may audit, in a unified proceeding, a pass-through entity 1 or more of whose members or indirect
269 owners are subject to tax under chapters 62 or 63; provided, however, that nothing in this section
270 shall limit the ability of the commissioner to audit or assess individual members or indirect
271 owners with respect to items derived from a pass-through entity or the ability of the
272 commissioner to inspect books and records of a pass-through entity outside of a unified audit
273 procedure. The determination of pass-through entity items shall be binding on all members and
274 indirect owners participating in the unified audit procedure. For purposes of this section,
275 “members and indirect owners participating in the unified audit procedure” shall mean all
276 members and indirect owners of a pass-through entity subject to audit in a unified proceeding

277 pursuant to this section, other than any such members or indirect owners that elect, pursuant to
278 subsection (e), not to participate in the unified audit proceeding. The commissioner's regulations
279 shall establish the types of pass-through entities subject to a unified audit procedure which may
280 include, but shall not be limited to, partnerships and S corporations. The regulations shall also
281 provide for the designation by the pass-through entity of a tax matters partner who shall have the
282 authority to represent all the members and indirect owners participating in the unified
283 proceeding. The authority of the tax matters partner in a unified audit procedure shall include,
284 but not be limited to, the following on behalf of members and indirect owners participating in the
285 unified audit procedure: (i) receiving tax notices, (ii) representing members and indirect owners
286 during the unified audit proceeding and in administrative appeals with the commissioner, (iii)
287 entering into settlement agreements with the commissioner under section 37C with regard to
288 pass-through entity items and (iv) filing petitions with the appellate tax board and pursuing any
289 subsequent judicial appeal with respect to a determination of pass-through entity items by the
290 commissioner. So far as practicable, the commissioner's regulations shall be modeled on federal
291 rules.

292 (c) (1) A unified audit procedure commences when the commissioner so notifies the tax matters
293 partner. Except as otherwise provided, the commissioner shall commence a unified audit
294 procedure and issue a notice of determination of pass-through entity items within 3 years after
295 the date on which the entity's return for the taxable year was either filed or required to be filed,
296 taking extensions into account whichever is later. The 3-year period shall be extended to the
297 extent the statute of limitations for audit or assessment is extended under subsection (d). It shall
298 be the responsibility of the tax matters partner to provide notice to members of the pendency of
299 the unified audit procedure. Such notice shall be provided in the manner and to the extent
300 required in the partnership or other agreement governing the pass-through entity and its
301 members. The failure of the tax matters partner to provide notice shall not affect the validity of
302 the unified audit procedure with respect to all members and indirect owners participating in the
303 unified audit procedure. The determination of pass-through entity items after the commencement
304 of a unified audit procedure shall be made exclusively under the unified audit process, which,
305 except as specified in this section, shall supersede the assessment and abatement process
306 otherwise applicable pursuant to this chapter to members and indirect owners with respect to
307 pass-through entity items. If, in the course of a unified audit procedure, it appears to the
308 commissioner that the statement of pass-through entity items on the entity's return will result in
309 an incorrect amount of tax liability of members and indirect owners, the commissioner shall give
310 notice of proposed adjustments to the tax matters partner and other members specified in
311 regulations issued by the commissioner. Within 30 days of such notice, the tax matters partner
312 or other members specified in regulations issued by the commissioner may request a conference
313 with regard to proposed adjustments of pass-through entity items. After unified audit
314 administrative proceedings are concluded, the commissioner shall issue a notice of determination
315 of pass-through entity items to the tax matters partner. The tax matters partner or other members
316 specified in regulations issued by the commissioner may petition the appellate tax board for
317 review of the determination of pass-through entity items within 60 days after the determination
318 of pass-through entity items has been sent to the tax matters partner. The appellate tax board
319 shall have jurisdiction to decide petitions under this section, and its decision shall be a final
320 decision of the board for the purpose of the right to a judicial appeal.

321 (2) If no petition is filed with the appellate tax board as provided in this subsection, the
322 determination of pass-through entity items shall become a final determination the day after the
323 last date on which the pass-through entity may appeal the determination of pass-through entity
324 items. If a timely petition is filed with the appellate tax board, the determination of pass-through
325 entity items shall become a final determination on: (i) the date of the appellate tax board decision
326 or subsequent final judicial decision, or (ii) the day after the date on which the right to any
327 further appeal expires, whichever is later. After a final determination of pass-through entity
328 items is made, the commissioner shall assess or abate members and indirect owners in
329 accordance with such final determination. The commissioner shall not be required to issue a
330 notice of intent to assess prior to assessment.

331 (d)(1) Except as provided in this subsection, the statute of limitations for the assessment of tax of
332 a member or indirect owner with respect to a pass-through entity item or an item affected by a
333 pass-through entity item for a taxable year to which pass-through entity items relate shall not
334 expire before the latest of: (i) the assessment period, including subsections (d) or (h) of section
335 26, applicable to the taxpayer member or indirect owner for tax periods to which pass-through
336 entity items relate; or (ii) one year after the date the determination of pass-through entity items
337 becomes a final determination of pass-through entity items as described in paragraph (2) of
338 subsection (c).

339 (2) Subsections (d) and (h) of section 26 shall apply to returns filed by a pass-through entity; in
340 such cases, the commissioner may conduct a unified audit of pass-through entity items and reach
341 final determination of such items during such extended time periods as are consistent with those
342 described in said subsections (d) and (h).

343 (3) The tax matters partner or other person authorized by a pass-through entity may enter into a
344 written agreement with the commissioner following the procedures of section 27 to extend the
345 statute of limitations for the conduct of a unified audit procedure and determination of pass-
346 through entity items.

347 (4) A member or indirect owner participating in the unified audit procedure may, within 6
348 months of such assessment or abatement made after a final determination of pass-through entity
349 items in accordance with paragraph (2) of subsection (d), challenge the computation of tax as it
350 applies to that taxpayer by filing an application for abatement pursuant to the procedures under
351 section 37; provided, however, that such application shall be limited to computational matters on
352 the member's or indirect owner's return attributable to pass-through entity items and shall not
353 contest the underlying determination of the pass-through entity items.

354 (e) Members or indirect owners of a pass-through entity may elect not to participate in a unified
355 audit procedure by providing notice to the commissioner in such time and manner as the
356 commissioner may require. Members or indirect owners who elect not to participate in the
357 unified audit procedure shall follow the procedures for pre-assessment conferences under section
358 26 and procedures for abatement requests and appeals with respect to determining and disputing
359 tax related to pass-through entity items under section 37; provided, however, that the statute of
360 limitations for assessment of tax to members or indirect owners who have elected not to
361 participate in the unified audit procedure with respect to pass-through entity items and affected

362 items derived from a pass-through entity that is subject to a unified audit procedure shall not
363 expire in any event any sooner than the end of 1 year for the assessment of tax for members and
364 indirect owners participating in the unified audit procedure.

365 **SECTION 23.** Section 1 of chapter 62D of the General Laws is hereby amended by striking out,
366 in lines 5, 42 and 43, as so appearing, the words “division of employment and training” and
367 inserting in place thereof, in each instance, the following words:- department of unemployment
368 assistance.

369 **SECTION 24.** Said section 1 of said chapter 62D, is hereby further amended by inserting after
370 the word “debtor” in line 20, as so appearing, the following words:- ; an amount owed to the
371 department of unemployment assistance.

372 **SECTION 25.** Said section 1 of said chapter 62D, as so appearing, is hereby further amended by
373 inserting after the word “bankruptcy”, in line 48, as so appearing, the following words:- ; a
374 person owing a debt certified by the comptroller.

375 **SECTION 26.** Said section 1 of said chapter 62D is hereby further amended by inserting after
376 the definition of “Debtor” the following definition:-

377 “Department”, the department of revenue.

378 **SECTION 27.** Said section 1 of said chapter 62D, as so appearing, is hereby further amended by
379 striking out the definition of “Refund” and inserting in place thereof the following 2 definitions:-

380 "Person", an individual, vendor, contractor, partnership, society, association, joint stock
381 company, limited liability company, corporation, estate, receiver, trustee, assignee and any other
382 person acting in a fiduciary or representative capacity, whether appointed by a court or
383 otherwise, or any combination of persons.

384 “Refund”, an overpayment of any tax, including interest and penalties, that may be returned or
385 credited to the taxpayer pursuant to sections 30, 31A, 36, 36A, 37 or 39 of chapter 62C, sections
386 27 or 27A of chapter 65, section 6 of chapter 65A, or any other general or special law that
387 authorizes such a return, abatement or credit; provided however, that the commissioner shall not
388 offset any refunds pursuant to this chapter payable to an operator as defined in section 1 of
389 chapter 64G, a vendor as defined in section 1 of chapter 64H or section 1 of chapter 64I, or a
390 direct broadcast satellite service provider as defined in section 1 of chapter 64M to the extent that
391 the person is obligated under those chapters to repay the purchaser the amount for which the
392 application for refund is made.

393 **SECTION 28.** Section 13 of said chapter 62D, as so appearing, is hereby amended by striking
394 out, in lines 6 and 7, the words “division of employment and training” and inserting in place
395 thereof, the following words:- department of unemployment assistance.

396 **SECTION 29.** Said section 13 of chapter 62D, as so appearing, is hereby further amended by
397 striking out, in line 12, the word “and”.

398 **SECTION 30.** Said section 13 of said chapter 62D, as so appearing, is hereby further amended
399 by inserting after the words “chapter 7A”, inserted by section 14 of chapter 142 of the acts of
400 2011, the following words:- ; (x) unpaid federal nontax liabilities to a federal agency pursuant to
401 section 15; and (xi) unpaid tax liabilities of another state pursuant to section 16.

402 **SECTION 31.** Said chapter 62D is hereby further amended by adding the following 2 sections:-

403 Section 15. (a) As used in this section, the following words shall, unless the context requires
404 otherwise, have the following meanings:

405 “Federal official”, a unit or official of the federal government charged with the collection of
406 federal nontax liabilities payable to the federal government and with the authority to enter into
407 the offset agreement.

408 “Federal nontax liability”, a delinquent nontax liability certified by a federal official including,
409 but not limited to, interest, penalties, fines, fees and other nontax assessments imposed by or
410 payable to the federal government that are finally determined to be due and owing.

411 “Offset agreement”, the agreement between the commissioner, the state comptroller, and the
412 Secretary of the Treasury authorized by this section and section 19 of chapter 7A.

413 “State tax liability”, a delinquent tax liability certified by the commissioner including, but not
414 limited to, any tax, interest, penalties or other additions to a tax imposed by or payable to the
415 commonwealth that are finally determined to be due and owing pursuant to chapter 62C.

416 (b) Notwithstanding any general or special law to the contrary, in coordination with the
417 comptroller under section 19 of chapter 7A, the commissioner may enter into an offset
418 agreement with the Secretary of the Treasury to participate in a reciprocal Treasury Offset
419 Program pursuant to 31 U.S.C. section 3716 for the collection of any state tax liabilities owed to
420 the commonwealth from federal payments to vendors and contractors. The offset agreement may
421 provide for the United States to submit federal nontax liabilities owed to federal agencies for
422 offset against refunds otherwise due and owing to taxpayers.

423 (c) Pursuant to the offset agreement, a federal official may: (1) provide certification to the
424 commissioner of the existence of a person's delinquent, federal nontax liability owed by the
425 person to the federal government by providing: (i) the full name and address of the person and
426 any other names known to be used by the person; (ii) the person's social security number or
427 federal tax identification number; (iii) the amount of the federal nontax liability; (iv) a statement
428 certifying that the liability is past due, that due process has been provided and that the liability is
429 legally enforceable in the amount certified, which may be provided in procedures for certifying
430 payments in the offset agreement; and (v) any other information pursuant to the agreement; (2)
431 request the commissioner to withhold any refund to which the person is entitled; and (3) retain a
432 portion of the proceeds of any federal administrative setoff authorized by the federal offset
433 program.

434 (d) As required or permitted by state law, federal law, or the offset agreement, the commissioner
435 shall: (i) determine if a person for whom a certification is received is due a refund; (ii) withhold a
436 refund that is due a person whose name has been certified by a federal official; (iii) notify the
437 person of the amount withheld in satisfaction of a federal nontax liability certified by a federal
438 official; (iv) pay to the federal official the lesser of the entire refund or the amount certified plus
439 any fee pursuant to subsection (v) and pay any refund in excess of such amount to the person.

440 (e) The commissioner may certify to a federal official a person's delinquent state tax liability
441 owed to the commonwealth by providing the federal official: (i) the full name and address of the
442 person and any other names known to be used by the person; (ii) the person's social security
443 number or federal tax identification number; (iii) the amount of the state tax liability; (iv) a
444 statement certifying that the state tax liability is past due, that due process has been provided and
445 that the liability is legally enforceable in the amount certified, which may be provided in
446 procedures for certifying payments in the offset agreement; and (v) any other information
447 required by statute or regulation applicable to the collection of the state tax liability by offset of
448 federal payments to vendors and contractors.

449 (f) The commissioner may request that the federal official withhold the lesser of any federal
450 vendor or contractor payment to which the person is entitled pursuant to the offset agreement or
451 the amount certified plus any fee pursuant to subsection (g).

452 (g) The commissioner shall establish a reasonable administrative fee to be charged to the person
453 for the provision of the state offset of a federal nontax liability or the federal offset of a state tax
454 liability. The fee shall be a separate charge and may be withheld from any refund due to the
455 person.

456 (h) Notwithstanding section 21 of chapter 62C, information may be exchanged to accomplish
457 and effectuate the intent of this section; provided, however that any information sharing shall be
458 in compliance with chapter 66A and is provided in a manner that meets all applicable federal and
459 state privacy and security requirements.

460 (i) If an individual filed a joint income tax return and the federal nontax liability certified by a
461 federal official is not the liability of both parties to the joint income tax return, the commissioner
462 may not withhold or pay to the federal official that portion of the income tax refund attributable
463 to the individual not owing the liability. The commissioner shall adopt procedures notifying
464 parties to a joint income tax return of a proposed offset of a refund for a federal nontax liability
465 certified by a federal official and shall allow the parties to such return 60 days to assert in writing
466 that a portion of the income tax refund is attributable to the individual not owing the federal
467 nontax liability. If no such assertion by a party to the joint income tax return is made within 60
468 days of notice, all of the refund shall be deemed attributable to the individual owing the liability.

469 Section 16. (a) As used in this section the following words shall, unless the context requires
470 otherwise, have the following meanings:

471 "Other state tax liability", a delinquent tax liability certified by the tax officer of the reciprocal
472 state, including but not limited to, any tax, interest, penalties or other additions to a tax imposed

473 by or payable to the participating state that are finally determined to be due and owing pursuant
474 to the laws of such state.

475 “State”, any state or the District of Columbia which extends a comity for the collection of taxes
476 owed to the commonwealth and participates in the reciprocal offset program.

477 “State offset agreement”, the agreement between the commissioner and the tax officer of the
478 state which allows the department and the state to participate in a reciprocal offset program.

479 “State refund”, an overpayment of any tax that is returned or credited to the taxpayer pursuant to
480 the laws of the state.

481 “State tax liability”, a delinquent tax liability certified by the commissioner including, but not
482 limited to, any tax, interest, penalties or other additions to a tax imposed by or payable to the
483 commonwealth that are finally determined to be due and owing pursuant to chapter 62C.

484 "Tax officer", a unit or official of a state, or the duly authorized agent of such unit or official,
485 charged with the imposition, assessment or collection of taxes of that state.

486 “Taxpayer”, a person identified by the commissioner or a tax officer as owing tax liabilities to
487 the department or a state.

488 (b) Notwithstanding any general or special law to the contrary, the commissioner may enter into
489 a state offset agreement with a tax officer to participate in a reciprocal offset program for the
490 collection of state tax liabilities owed to the commonwealth from state refunds due a taxpayer of
491 the reciprocal state. The state offset agreement may provide for the state to submit other state tax
492 liabilities to be offset against refunds due to commonwealth taxpayers.

493 (c) The commissioner may enter into state offset agreements with the tax officers of states
494 relating to procedures and methods to be employed by the department and a state with respect to:
495 (i) the operation of this section; (ii) information safeguards; and (iii) a requirement that the state
496 shall not be allowed to request the collection of taxes through the remedy established under this
497 section unless the tax is at least \$50.

498 (d) Pursuant to the state offset agreement, a tax officer may: (1) provide certification to the
499 commissioner of the existence of a person's delinquent or other state tax liability owed by the
500 person to the state by providing: (i) the full name and address of the person and any other names
501 known to be used by the person; (ii) the person's social security number or federal tax
502 identification number; (iii) the amount of the other state tax liability due to such state, including
503 interest and penalties; (iv) a statement certifying that the liability is past due, that due process has
504 been provided and that the other state tax liability is legally enforceable in the amount certified,
505 which may be provided in procedures for certifying payments in the state offset agreement; and
506 (v) any other information pursuant to the agreement; (2) request the commissioner to withhold
507 any refund to which the person is entitled; and (3) retain a portion of the proceeds of any setoff
508 authorized by the state offset program.

509 (e) As required or permitted by state law and the state offset agreement, the commissioner shall:
510 (i) determine if a person for whom a certification is received is due a refund; (ii) withhold a
511 refund that is due a person whose name has been certified by a tax officer; (iii) notify the person
512 of the amount withheld in satisfaction of the other state tax liability certified by a tax officer; (iv)
513 pay to the state the lesser of the entire refund or the amount certified plus any fee pursuant to
514 subsection (h); and (v) pay any refund in excess of such amount to the person.

515 (f) The commissioner may certify to a tax officer a person's delinquent state tax liability owed
516 to the commonwealth by providing the tax officer: (i) the full name and address of the person
517 and any other names known to be used by the person; (ii) the person's social security number or
518 federal tax identification number; (iii) the amount of the state tax liability; (iv) a statement
519 certifying that the state tax liability is past due, that due process has been provided and that the
520 liability is legally enforceable in the amount certified, which may be provided in procedures for
521 certifying payments in the state offset agreement; and (v) any other information required by state
522 statute or regulation applicable to the collection of the state tax liability by offset of state refunds
523 due a taxpayer.

524 (g) The commissioner may request that the tax officer withhold the lesser of any state refund to
525 which the person is entitled pursuant to the state offset agreement or the amount certified plus
526 any fee pursuant to subsection (h).

527 (h) The commissioner and the state may establish a reasonable administrative fee to be charged
528 to the person for the provision of the offsets. The fee shall be a separate charge and may be
529 withheld from any refund or state refund due to the person.

530 (i) Notwithstanding section 21 of chapter 62C, information may be exchanged to accomplish
531 and effectuate the intent of this section; provided, however that any information sharing shall be
532 in compliance with chapter 66A and is provided in a manner that meets all applicable federal and
533 state privacy and security requirements.

534 (j) If an individual filed a joint income tax return and the other state tax liability certified by a tax
535 officer is not the liability of both parties to the joint income tax return, the commissioner may not
536 withhold or pay to the state that portion of the income tax refund attributable to the individual
537 not owing the liability. The commissioner shall adopt procedures notifying parties to a joint
538 income tax return of a proposed offset of a refund for the other state tax liability certified by a
539 tax officer and shall allow the parties to such return 60 days to assert in writing that a portion of
540 the income tax refund is attributable to the individual not owing the liability. If no such assertion
541 by a party to the joint income tax return is made within 60 days of notice, all of the refund shall
542 be deemed attributable to the individual owing the liability.

543 **SECTION 32.** Chapter 63 of the General Laws is hereby amended by inserting after section
544 38FF the following section:-

545 Section 38GG. (a) For the purposes of this section the term "administering agency" shall mean
546 the state agency or quasi authority charged with certifying or otherwise administering a credit
547 against corporate income tax.

548 (b) For each business that received a corporate income tax credit pursuant to sections 31A, 31H,
549 38M, 38N, 38Q, 38R, 38U, 38X and 38W, the administering agency shall identify and submit a
550 report on the information in subsection (c) to the executive office for administration and finance.
551 If no agency is authorized under the section, or if the section does not provide for certification or
552 administration of the tax expenditure, the department of revenue shall submit the report.

553 (c) Biennially, on or before October 1, the administering agency shall identify and report on the
554 following information:-

555 (1) The name of each taxpayer approved for the allowance of a tax credit;

556 (2) The local address of the place of business of the taxpayer and headquarters, if different
557 than the place of business, and website of the business;

558 (3) The date of the award;

559 (4) The municipality and county in which the site is located on the date the credit is awarded,
560 if applicable;

561 (5) The total amount of credit against tax liability, reduction in taxable income or exemption
562 from property taxation granted to each taxpayer;

563 (6) Specific outcomes or results required by the tax expenditure program and information
564 about whether the taxpayer meets those requirements, including the intended use of the incentive
565 by any category to which the law restricts or limits uses of incentive funds;

566 (7) An explanation of the agency's certification decision for each taxpayer, if applicable;

567 (8) The number, type, and wage level of jobs created or retained as a result of the tax
568 incentive, if applicable;

569 (9) Any additional information submitted by the taxpayer and relied upon by the agency in its
570 certification determination; and

571 (10) Any other information that agency personnel deem valuable as providing context for the
572 information described in this subsection.

573 (d) The administering agency shall publish the report on its website and submit the same to the
574 executive office for administration and finance and the house and senate committees on ways
575 and means.

576 **SECTION 33.** Chapter 111D of the General Laws is hereby amended by striking out section 1,
577 as appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

578 Section 1. As used in this chapter, the following words shall, unless the context requires
579 otherwise, have the following meanings:-

580 (1) "Clinical Laboratory", a facility or place, however named, the purpose of which is to make
581 biological, serological, chemical, immuno-hematological, cytological, pathological, or other
582 examinations of materials derived from a human body.

583 (2) "Commissioner", the commissioner of public health.

584 (3) "Company", a corporation, a partnership, a limited liability company, a limited liability
585 partnership, an association, a trust, or an organized group of persons, whether incorporated or
586 not.

587 (4) "Complex laboratory test" or "highly complex laboratory test", tests which require
588 sophisticated technique, interpretation of multiple signals or proven technical skill. Such tests
589 shall require, but not be limited to, one or more of the following steps: (a) highly skilled physical
590 manipulation; (b) technique dependent steps in the testing, sampling or reading of results; (c)
591 user programming of the device or devices; (d) detailed calculation of the results; (e) dilution of
592 samples with chemically reactive substances; or (f) preparation of reagents.

593 (5) "Department", the department of public health in the executive office of human services.

594 (6) "Exempt test", a test which is generally noninstrumental in nature, and the results of which
595 are determined by observation of a visual signal.

596 (7) "Ownership interest", interests including, but not limited to, any membership, proprietary
597 interest, shares of stock in a corporation, units or other interest in a partnership, bonds,
598 debentures, notes or other equity interest or debt instrument, co-ownership in any form, any
599 profit sharing arrangement, or any compensation arrangement.

600 (8) "Person" and "whoever", corporations, societies, associations, partnerships, limited liability
601 companies, limited liability partnerships, trusts, organized group of persons, whether
602 incorporated or not, an individual or his estate upon his death, any other entity including but not
603 limited to, medical practice, medical office, clinic, counseling center, substance abuse treatment
604 program or sober house, or a political subdivision of the commonwealth, but not an agency of the
605 commonwealth.

606 (9) "Simple laboratory test", "waived laboratory test" or "moderately complex laboratory test",
607 tests which may require a series of steps, reagent additions or instrumentation, and the results of
608 which are generally determined by a visual signal, but which are not complex or highly complex
609 laboratory tests as defined in clause (4).

610 **SECTION 34.** Section 8 of said chapter 111D, as so appearing, is hereby amended by striking
611 out, in line 78, the word "insurance." and inserting in place thereof the following:- insurance;

612 (17) solicit, accept or test any specimen derived from the human body that is received from,
613 ordered, requested, or referred by: (a) any person or company in which the clinical laboratory, or
614 its directors, owners, partners, employees or family members thereof, have any direct or indirect
615 ownership interest; or (b) any person or company, or its directors, owners, partners, employees or
616 family members thereof, having any direct or indirect ownership interest in the clinical
617 laboratory; provided, however, this subsection shall not apply to a clinical laboratory owned by a
618 licensed physician, or group of licensed physicians, used exclusively in connection with the
619 diagnosis and treatment of said physician's or said group of physicians' own patients, and where
620 all testing is performed by or under the direct supervision of said physician or said physicians;
621 provided, further, this subsection shall not apply to a hospital or clinic licensed under section 51
622 of chapter 111 used exclusively in connection with the diagnosis and treatment of the hospital's
623 or clinic's own patients.

624 **SECTION 35.** Said chapter 111D is hereby further amended by adding the following section:-

625 Section 8A. It shall be a violation of this section for any person or company to refer, request,
626 order or send any specimen derived from the human body for examination to a clinical
627 laboratory in which the person or company, or any of its owners, directors, partners, employees
628 or family members thereof have a direct or indirect ownership interest; provided, however, this
629 section shall not apply to a clinical laboratory owned by a licensed physician, or group of
630 licensed physicians, and used exclusively in connection with the diagnosis and treatment of said
631 physician's or said group of physicians' own patients, and where all testing is performed by or
632 under the direct supervision of said physician or said physicians; provided, further, this
633 subsection shall not apply to a hospital or clinic licensed under section 51 of chapter 111 used
634 exclusively in connection with the diagnosis and treatment of the hospital's or clinic's own
635 patients.

636 **SECTION 36.** Said chapter 111D is hereby further amended by striking out section 13, as
637 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

638 Section 13. (a) Criminal Violations. Whoever maintains a clinical laboratory in the
639 commonwealth without a license in violation of section 4 or whoever, being licensed under
640 section 5 maintains a clinical laboratory in violation of the terms of such license, or whoever
641 engages in, aids, abets, causes or permits any act prohibited under section 8, or whoever refers,
642 requests, orders, or sends any specimen derived from the human body in violation of section 8A
643 shall be punished by imprisonment for not more than 5 years in state prison, or by imprisonment
644 in a jail or house of correction for not more than 2 and 1/2 years or by a fine of not more than
645 \$10,000, or by both such fine and imprisonment. The commissioner shall transmit to the attorney
646 general such evidence of an offense as the department may have in its possession.

647 (b) If any person or company violates the provisions of subsection (17) of section 8 or section
648 8A, the attorney general may bring a civil action, either in lieu of or in addition to a criminal
649 prosecution, and may recover a civil penalty of not less than \$5,000 and not more than \$10,000
650 per violation, plus 3 times the amount of damages sustained, including consequential damages. A
651 person violating subsection (17) of section 8 or section 8A shall also be liable to the
652 commonwealth for the expenses of the civil action brought to recover any such penalty or
653 damages, including without limitation, reasonable attorney's fees, reasonable expert's fees and
654 the costs of investigation. No action shall be brought under this section more than 6 years after it
655 accrues. The commissioner shall transmit to the attorney general such evidence of an offense as
656 the department may have in its possession.

657 (c) Any person or company that solicits, offers or enters into a referral arrangement or scheme
658 with a clinical laboratory which the person or company knows or should know has a principal
659 purpose of assuring referrals by the person or company to a particular clinical laboratory which,
660 if the person or company directly made referrals to such clinical laboratory, would be in violation
661 of subsection (17) of section 8 or in violation of section 8A, shall be liable to the commonwealth
662 for a civil penalty of not more than \$100,000 for each referral arrangement or scheme plus 3
663 times the amount of damages sustained, including consequential damages. No action shall be
664 brought under this section more than 6 years after it accrues. The commissioner shall transmit to
665 the attorney general such evidence of an offense as the department may have in its possession.

666 **SECTION 37.** Said chapter 111D is hereby further amended by adding the following section:-

667 Section 14. All clinical laboratories shall disclose all ownership interests in writing to the
668 department every two years. Such disclosure shall contain the name and ownership interest of the
669 disclosing person or company, as well as the names and all ownership interests of all other
670 parties with an ownership interest in the clinical laboratory. A copy of said disclosure shall be
671 provided by the clinical laboratory to the attorney general. Failure to provide said disclosure may
672 result in a fine of up to \$5,000.

673 **SECTION 38.** Section 9 of chapter 111K of the General Laws, as appearing in the 2010 Official
674 Edition, is hereby amended by striking out the words "section 14G" and inserting in place
675 thereof, in each instance, the following words:- section 14Q.

676 **SECTION 39.** The definition of "Managed care organization" in section 64 of chapter 118E of
677 the General Laws, as appearing in section 131 of chapter 224 of the acts of 2012, is hereby
678 amended by inserting after the words "section 9D" the following words:- or an integrated care
679 organization, as defined in section 9F.

680 **SECTION 40.** Clause (1) of the definition of "Payments subject to surcharge" in said section 64
681 of said chapter 118E, as so appearing, is hereby amended by inserting after the words "age 65"
682 the following words:- who are not enrolled in an ICO.

683 **SECTION 41.** Clause (2) of said definition of "Payments subject to surcharge" in said section 64
684 of said chapter 118E, as so appearing, is hereby further amended by striking out the word
685 "division" and inserting in place thereof the following words:- executive office.

686 **SECTION 42.** Said section 64 of said chapter 118E, as so appearing, is hereby further amended
687 by inserting after the definition of "Surcharge payor" the following 2 definitions:-

688 "Total acute hospital assessment amount", an amount equal to \$160,000,000 plus 50 per cent of
689 the estimated cost, as determined by the executive office, of administering the health safety net
690 and related assessments in accordance with sections 65 to 69, inclusive.

691 "Total surcharge amount", an amount equal to \$160,000,000 plus 50 per cent of the estimated
692 cost, as determined by the executive office, of administering the health safety net and related
693 assessments in accordance with sections 65 to 69, inclusive.

694 **SECTION 43.** Said chapter 118E is hereby further amended by striking out section 66, as so
695 appearing, and inserting in place thereof the following section:-

696 Section 66. (a) There shall be established and set up on the books of the commonwealth a fund to
697 be known as the Health Safety Net Trust Fund, in this section and in sections 67 to 69, inclusive,
698 called the fund, which shall be administered by the Health Safety Net Office, hereinafter the
699 office. Expenditures from the fund shall not be subject to appropriation unless otherwise required
700 by law. The purposes of the fund shall be: (i) to maintain a health care safety net by reimbursing
701 hospitals and community health centers for a portion of the cost of reimbursable health services
702 provided to low-income, uninsured or underinsured residents; (ii) to support the estimated
703 expenses of the executive office in administering the health safety net and related assessments in
704 accordance with sections 65 to 69, inclusive; and (iii) to support a portion of the costs of the
705 Medicaid program under this chapter and the commonwealth care health insurance program
706 under chapter 118H. The office shall administer the fund using methods, policies, procedures,
707 standards and criteria for the proper and efficient operation of the fund and programs funded by
708 it in a manner designed to distribute the fund resources as equitably as possible. The secretary of
709 administration and finance, in consultation with the secretary of health and human services, shall
710 determine annually the estimated expenses to administer the fund.

711 (b) The fund shall consist of all amounts paid by acute hospitals and surcharge payors under
712 sections 67 and 68, all appropriations for the purpose of payments to acute hospitals or
713 community health centers for health services provided to uninsured and underinsured residents,
714 any transfers from the Commonwealth Care Trust Fund, established under section 2000 of
715 chapter 29, and all property and securities acquired by and through the use of monies belonging
716 to the fund and all interest thereon. The office shall expend amounts in the fund, except for
717 amounts transferred to the Commonwealth Care Trust Fund, for payments to hospitals and
718 community health centers for reimbursable health services provided to uninsured and
719 underinsured residents of the commonwealth, consistent with the requirements of this section
720 and section 69 and the regulations adopted by the office. The office shall also expend annually
721 for the fund the expenses of the executive office, including the health safety net office under
722 subsection (a). The office shall also expend not more than \$6,000,000 annually from the fund for

723 demonstration projects that use case management and other methods to reduce the liability of the
724 fund to acute hospitals. Any amounts collected from surcharge payors in any year in excess of
725 the total surcharge amount, adjusted to reflect applicable surcharge credits, shall be transferred to
726 the General Fund to support a portion of the costs of the Medicaid and commonwealth care
727 health insurance programs. Any annual balance remaining in the fund after these payments have
728 been made shall be transferred to the Commonwealth Care Trust Fund. All interest earned on the
729 amounts in the fund shall be deposited or retained in the fund. The director shall from time to
730 time requisition from the fund amounts that the director considers necessary to meet the current
731 obligations of the office for the purposes of the fund and estimated obligations for a reasonable
732 future period.

733 **SECTION 44.** The first sentence of subsection (a) of section 67 of said chapter 118E, as so
734 appearing, is hereby amended by striking out clause (ii) and inserting in place thereof the
735 following clause:- (ii) the total acute hospital assessment amount.

736 **SECTION 45.** The fourth sentence of subsection (a) of section 68 of said chapter 118E, as so
737 appearing, is hereby amended by striking out the figure "\$160,000,000" and inserting in place
738 thereof the following words:- the total surcharge amount.

739 **SECTION 46.** The fifth sentence of said subsection (a) of said section 68 of said chapter 118E,
740 as so appearing, is hereby amended by striking out the words "less than \$150,000,000 or more
741 than \$170,000,000 in surcharge payments," and inserting in place thereof the following words:-
742 less than the total surcharge amount minus \$10,000,000, or more than the total surcharge amount
743 plus \$10,000,000.

744 **SECTION 47.** Section 26 of chapter 121B of the General Laws, as appearing in the 2010
745 Official Edition, is hereby amended by adding the following clause:

746 (p) Notwithstanding this section or section 34 to the contrary, to dispose of or demolish any part
747 or all of an existing housing project assisted by the commonwealth pursuant to chapter 689 of the
748 acts of 1974, chapter 167 of the acts of 1987 or chapter 705 of the acts of 1966, if: (1) the
749 department and the housing authority have determined that it is not financially feasible to bring
750 the units up to a reasonable program standard for occupancy or permissible to convert the units
751 to another low rent housing program; (2) the inventory of available housing units remaining in
752 the surrounding community is not substantially diminished as a result of such demolition; and (3)
753 for units financed pursuant to chapter 705 of the acts of 1966, the units were vacant as of
754 November 1, 2012, or, for units financed by the chapter 689 of the acts of 1974 or chapter 167 of
755 the acts of 1987, the department has received written confirmation from both the department of
756 developmental services and the department of mental health that those units are obsolete and
757 inappropriate for housing their respective clients. Upon approval by the department, the authority
758 may dispose of the property by sale, ground lease or other transfer of its interest in the property;
759 provided, that the department shall review and approve of any appraisal and request for
760 proposals related to the disposition, as well as the selection of the selected bidder. The request
761 for proposals shall provide that: in reviewing responses to the request for proposals, first priority
762 for selecting from among the responsive and responsible bidders shall be those bidders that offer
763 a feasible plan to provide housing on the site that is permanently affordable to households under

764 80 per cent of area median income as defined by the department. Those bidders shall obtain the
765 property for \$1, subject to an enforceable agreement to meet the requirements of its proposal. If
766 no responsive and responsible bidder meets the above standard, the property shall be sold to the
767 bidder offering the highest price for the property. Notwithstanding anything to the contrary in
768 this chapter, proceeds from the disposition, after paying for the costs of the disposition, shall be
769 deposited in an expendable trust controlled by the department, the purpose of which shall be to
770 fund capital improvements that the department determines are necessary and appropriate at
771 existing housing developments that serve households that would have been eligible for
772 occupancy of the units that had been sited on the property.

773 **SECTION 48.** Subsection (b) of section 31 of said chapter 121B, as so appearing, is hereby
774 amended by striking second and third sentences and inserting in place thereof the following
775 sentence:- The department shall approve such a project only if it makes the following
776 determinations: (i) the design and layout of the proposed project is appropriate to the
777 neighborhood in which it is to be located; and (ii) an adequate supply of dwelling units for
778 families of low income is not then available in the private market, and the housing authority,
779 after reasonable effort, has been unable to obtain such units either through reconstruction,
780 remodeling, or repair of existing buildings or by the purchase of completed dwelling units.

781 **SECTION 49.** Said chapter 121B is hereby amended by adding the following section:-

782 Section 60. (a) There is hereby established a Housing Preservation and Stabilization Trust Fund,
783 in this section called the fund, to be administered by the undersecretary of housing and
784 community development, in this section called the undersecretary. Monies in the fund shall be
785 deposited with the state treasurer in a manner that will secure the highest interest rate available
786 consistent with safety of the fund and with the requirement that all amounts on deposit be
787 available for the immediate use.

788 (b) The undersecretary shall appoint the fund's trustee, who shall serve until a successor is
789 appointed.

790 (c) There shall be credited to the fund: (1) any unexpended funds from items 7004-0100, 7004-
791 0101, 7004-0108, 7004-9024 and 7004-9316, which shall not revert to the General Fund, but
792 instead be deposited in the fund; (2) other funds appropriated or transferred by the general court;
793 and (3) all interest earned on monies in the fund.

794 (d) Expenditures from the fund shall not be subject to appropriation, and balances remaining at
795 the end of a fiscal year shall not revert to the General Fund. Expenditures from the fund shall be
796 made only for providing affordable housing for low-income families and individuals in the
797 commonwealth, particularly those most at risk of becoming homeless.

798 (e) Before making expenditures from the fund, each fiscal year the undersecretary shall submit a
799 spending plan to the secretary of administration and finance and the house and senate committees
800 on ways and means. Spending from the fund shall be subject to the approval of the secretary of
801 administration and finance. For the purpose of accommodating discrepancies between the receipt
802 of revenues and related expenditures, the undersecretary may incur obligations and the

803 comptroller may certify payment amounts not to exceed the most recent revenue estimate
804 submitted by the undersecretary and approved by the secretary of administration and finance, but
805 the fund shall be in balance by the close of each fiscal year.

806 (f) The undersecretary shall determine eligibility and benefit levels for programs supported by
807 the fund, but programs shall be structured in a sustainable manner.

808 (g) Eligible grantees of the fund shall include but are not limited to: local housing agencies,
809 regional housing centers, private housing providers of affordable housing, other state agencies
810 and municipalities.

811 **SECTION 50.** Section 188 of chapter 149 of the General Laws is hereby repealed.

812 **SECTION 51.** Section 14G of chapter 151A of the General Laws is hereby repealed.

813 **SECTION 52.** Chapter 149 of the General Laws is hereby amended by adding the following
814 section:-

815 Section 14Q. (a)(1) There is hereby established a Medical Assistance Trust Fund, hereinafter the
816 fund, which shall be administered by the director of unemployment assistance without further
817 appropriation, to fund the provision of subsidized health care for low-income residents of the
818 commonwealth. The fund shall consist of employer contributions required by this section. Each
819 quarter, the department of unemployment assistance shall transfer funds to MassHealth and the
820 Connector to be used exclusively for providing subsidized health insurance for low-income
821 residents. Each employer, subject to sections 14, 14A, and 14C of chapter 115A, except those
822 employers who employ 5 or fewer employees, shall pay, in the same manner and at the same
823 times as the director of unemployment assistance prescribes for the contribution required by said
824 section 14, a health insurance employer responsibility contribution computed by multiplying the
825 wages paid its employees by the health insurance employer responsibility contribution rate of .36
826 of 1 per cent.

827 (b) The receipts from such contributions shall be placed in the fund; provided however, that \$1
828 for each employee whose wages determine each employer's total health insurance employer
829 responsibility contribution shall be deposited annually in the Catastrophic Illness in Children
830 Relief Fund established by section 2ZZ of chapter 29. Prior to depositing the receipts, the
831 director of unemployment assistance may deduct all administrative costs incurred by the
832 department as a result of this section, including an amount as determined by the United States
833 Secretary of Labor in accordance with federal cost rules; provided that in no calendar year may
834 such deduction exceed 5 per cent of the amounts collected pursuant to this section. For the
835 purpose of accommodating discrepancies between the receipt of revenues and related
836 expenditures, the department may incur obligations and the comptroller may certify payment
837 amounts not to exceed the most recent revenue estimate submitted by the department and
838 approved by the comptroller; provided, however, that the fund shall be in balance by the close of
839 each fiscal year.

840 (c)(1) For the purposes of this section, the term “wages” shall not include that part of
841 remuneration which, after remuneration equal to the health insurance employer responsibility
842 contribution wage base with respect to employment with such employer has been paid to an
843 individual during the calendar year, is paid to such individual during such year. For the purposes
844 of this paragraph, remuneration shall include remuneration paid to an individual during the
845 calendar year with respect to employment with a transferring employer, as that term is used in
846 subsection (n) of section 14 of chapter 151A.

847 (2) For the purposes of this section, the term “health insurance employer responsibility
848 contribution wage base” shall have the same meaning as the term “unemployment insurance
849 taxable wage base” as defined in section 14 of chapter 151A.

850 (d)(1) The provisions of this section shall not apply to an employer subject to chapter 151A, as
851 defined in paragraphs (2) and (3) of subsection (i) of section 14 of said chapter, until such
852 employer has been an employer for a minimum of 12 consecutive months, as specified in
853 paragraph (1) of subsection (b) of said section 14.

854 (3) During the first calendar year in which this section shall apply to an employer
855 pursuant to paragraph (1), the employer's health insurance contribution rate shall be .12 of 1 per
856 cent.

857 (4) During the second calendar year in which this section shall apply to an employer
858 newly subject to this chapter pursuant to paragraph (1), the employer's health insurance
859 contribution shall be .24 of 1 per cent.

860 (e) Except where inconsistent with the provisions of this section, the terms and conditions of
861 chapter 151A that are applicable to the payment and collection of contributions or payments in
862 lieu of contributions shall apply to the same extent to the payment of and the collection of such
863 employer contribution; provided, however, that such contributions shall not be credited to the
864 employer's account or to the solvency account established pursuant to section 14, section 14A, or
865 section 14C of chapter 151A.

866 (f) There shall be a medical assistance employer contribution rate review board composed of the
867 commissioner of medical assistance or a designee, the director of the department of
868 unemployment assistance or a designee, the executive director of the health connector or a
869 designee, and the commissioner of insurance or a designee. The rate review board shall meet on
870 or before November 30 of each year to review the costs paid by the commonwealth in the
871 previous fiscal year to provide subsidized care to low-income residents of the commonwealth. In
872 conducting such review, the board shall consider amounts to be covered by premiums, co-
873 payments, deductibles and co-insurance to be paid by covered individuals and any anticipated
874 appropriations. If the board determines that costs have increased by more than 5 per cent from
875 the previous fiscal year, it may, by a majority vote, adjust the health insurance employer
876 responsibility contribution by no more than 5 per cent. The board shall file a report detailing its
877 cost review determination with the general court no later than December 31 of each year.

878 (g) The director of unemployment assistance, the commissioner of medical assistance, and the
879 executive director of the health connector shall report annually, after the end of each calendar
880 year, to the governor, the house committee on ways and means and the senate committee on
881 ways and means. The report shall include the amount collected in the fund, the amount needed to
882 administer the fund, the amount transferred, how the funds were used and the method for

883 determining how much was transferred to each program. The report may also make
884 recommendations for changes in the law and regulations governing the fund.

885 (h) Any employer notified of a liability determination under this section by the director of
886 unemployment assistance may request a hearing on such determination. The request for hearing
887 shall be filed within 10 days after mailing of the notice of the determination. If a hearing is
888 requested, said director shall give the employer a reasonable opportunity for a fair hearing before
889 an impartial hearing officer designated by the director. The conduct of such hearing shall be in
890 accordance with the procedures prescribed by subsection (b) of section 39 of chapter 151A. Any
891 employer aggrieved by the decision following such hearing may appeal such decision in
892 accordance with the procedures prescribed by sections 40 to 42, inclusive, of chapter 151A.
893 Unless action is taken under section 40 of chapter 151A, the decision of said director shall be
894 final on all questions of fact and law.

895 **SECTION 53.** Section 94 of chapter 164 of the General Laws, as amended by section 18 of
896 chapter 209 of the acts of 2012, is hereby further amended by adding the following paragraph:-
897 The department shall be authorized to add resources as needed to implement this section, the
898 costs of which shall be assessed directly on the gas and electric distribution companies on a
899 proportional basis, based on historical distribution revenues.

900 **SECTION 54.** Section 4 of chapter 773 of the acts of 1960, as amended by chapter 708 of the
901 acts of 1983, is here by amended by striking subsection (n) and replacing with the following
902 subsection:-

903 (n) To invest funds held by it, pending disbursement, which may be made pursuant to an
904 investment policy established annually by the board, consistent with best investment practices
905 and their fiduciary obligation.

906 **SECTION 55.** Subsection (2) of section 95 of chapter 173 of the acts of 2008 is hereby amended
907 by striking out the figure "2014", inserted by section 140 of chapter 139 of the acts of 2012, and
908 inserting in place thereof the following figure:- 2015.

909 **SECTION 56.** Section 23 of chapter 5 of the acts of 2009 is hereby amended by striking out the
910 figure "2013", inserted by section 143 of said chapter 139 of the acts of 2012, and inserting in
911 place thereof the following figure:- 2014.

912 **SECTION 57.** Section 195 of chapter 131 of the acts of 2010 is hereby amended by striking out
913 the figure "2013" , inserted by section 146 of said chapter 139 of the acts of 2012, and inserting
914 in place thereof the following figure:- 2014.

915 **SECTION 58.** Section 124 of chapter 359 of the acts of 2010 is hereby amended by striking out
916 the words "June 30, 2012 and June 30, 2013", inserted by section 147 of chapter 139 of the acts
917 of 2012, and inserting in place thereof the following words:- , June 30, 2013 and June 30, 2014.

918 **SECTION 59.** Section 35 of chapter 68 of the acts of 2011 is hereby repealed.

919 **SECTION 60.** Section 94 of chapter 142 of the acts of 2011, as most recently amended by
920 section 23 of chapter 239 of the acts of 2012, is hereby further amended by striking out the
921 words “June 30, 2013” and inserting in place thereof the following words:- January 1, 2014.

922 **SECTION 61.** Section 61 of chapter 239 of the acts of 2012 is hereby amended by striking out
923 the words “June 30” and inserting in place thereof the following words:- December 31.

924 **SECTION 62.** Notwithstanding subsection (e) of section 20 of chapter 304 of the acts of 2008,
925 the net cash proceeds of the sale of the former Edward J. Sullivan Courthouse in the city of
926 Cambridge shall be deposited in the General Fund.

927 **SECTION 63.** Notwithstanding any general or special law to the contrary, nursing facility and
928 resident care facility rates effective July 1, 2013, under section 13D of chapter 118E of the
929 General Laws may be developed using the costs of calendar year 2005.

930 **SECTION 64.** (a) Notwithstanding section 53 of chapter 118E of the General Laws, until June
931 30, 2014, the executive office of health and human services may determine the extent to which
932 to include within its covered services for adults the federally optional dental services that were
933 included in its state plan or demonstration program in effect on January 1, 2002 and the dental
934 services that were covered for adults in the MassHealth basic program as of January 1, 2002.

935 (b) Notwithstanding subsection (a) of section 6 of chapter 118H of the General Laws, until
936 June 30, 2014, medically necessary dental services covered through health insurance plans
937 procured by the board of the Commonwealth Health Insurance Connector Authority for any
938 resident with a household income that does not exceed 100 per cent of the federal poverty level
939 shall include preventative procedures but shall exclude those categories of services that are not
940 provided through MassHealth.

941 **SECTION 65.** Notwithstanding any general or special law to the contrary, the nursing home
942 assessment established by subsection (b) of section 63 of chapter 118E of the General Laws
943 shall be sufficient in the aggregate to generate \$220,000,000 in fiscal year 2014.

944 **SECTION 66.** Notwithstanding any general or special law to the contrary, on or before October
945 1, 2013 and without further appropriation, the comptroller shall transfer from the General Fund
946 to the Health Safety Net Trust Fund established pursuant to section 66 of chapter 118E of the
947 General Laws, in this section called the fund, the greater of \$45,000,000 or one-twelfth of the
948 total expenditures to hospitals and community health centers required pursuant to this act, for the
949 purposes of making initial gross payments to qualifying acute care hospitals for the hospital
950 fiscal year beginning October 1, 2013. These payments shall be made to hospitals before, and in
951 anticipation of, the payment by hospitals of their gross liability to the fund. The comptroller shall
952 transfer from the fund to the General Fund, not later than June 30, 2014, the amount of the
953 transfer authorized by this section and any allocation of that amount as certified by the director
954 of the health safety net office.

955 **SECTION 67.** Notwithstanding any general or special law to the contrary, in hospital fiscal year
956 2014, the office of the inspector general may continue to expend funds from the Health Safety
957 Net Trust Fund, established by section 36 of chapter 118G of the General Laws:

958 (1) to conduct a study and review of the Medicaid program. The study shall include, but not be
959 limited to, a review of the program's eligibility requirements, utilization, claims administration
960 and compliance with federal mandates. The inspector general shall report any preliminary
961 findings to the secretary of health and human services and the house and senate committees on
962 ways and means on or before October 30, 2013, and issue a final report on or before March 1,
963 2014; and (2) for costs associated with maintaining a pool audit unit within the office. The unit
964 shall continue to oversee and examine the practices in all hospitals including, but not limited to,
965 the care of the uninsured and the resulting free charges. The inspector general shall submit a
966 report to the house and senate committees on ways and means on the results of the audits and any
967 other completed analyses on or before March 1, 2014. For the purposes of these audits, allowable
968 free care services shall be defined pursuant to said chapter 118G and any regulations adopted
969 under that chapter.

970 **SECTION 68.** (a) Notwithstanding any general or special law to the contrary, the health policy
971 commission shall enter into an interagency agreement with the executive office of health and
972 human services to provide up to \$32,307,769 in available funding from the Healthcare Payment
973 Reform Trust Fund, established by section 100 of chapter 194 of the acts of 2011, for
974 implementation by the executive office, including the department of public health and
975 MassHealth, of chapter 224 of the acts of 2012. The comptroller shall deposit in this fund all
976 federal reimbursements paid to the commonwealth as a result of these payments.

977 (b) Notwithstanding any general or special law to the contrary, the health policy commission
978 shall enter into an interagency agreement with the Office of State Auditor to provide \$862,500
979 in available funding from the Healthcare Payment Reform Trust Fund, established by section
980 100 of chapter 194 of the acts of 2011 for implementation of chapter 224 of the acts of 2012.

981 **SECTION 69.** Notwithstanding any general or special law to the contrary, the executive office
982 of health and human services, acting in its capacity as the single state agency under Title XIX of
983 the Social Security Act and as the principal agency for all of the agencies within the executive
984 office and other federally-assisted programs administered by the executive office, may enter into
985 interdepartmental services agreements with the University of Massachusetts Medical School to
986 perform activities that the secretary of health and human services, in consultation with the
987 comptroller, determines appropriate and within the scope of the proper administration of said
988 Title XIX and other federal funding provisions to support the programs and activities of the
989 executive office. The activities may include: (1) providing administrative services including, but
990 not limited to, providing the medical expertise to support or administer utilization management
991 activities, determining eligibility based on disability, supporting case management activities and
992 similar initiatives; (2) providing consulting services related to quality assurance, program
993 evaluation and development, integrity and soundness and project management; and (3) providing
994 activities and services for the purpose of pursuing federal reimbursement or avoiding costs, third-
995 party liability and recouping payments to third parties. Federal reimbursement for any
996 expenditures made by the University of Massachusetts Medical School relative to federally-
997 reimbursable services the University provides under these interdepartmental service agreements
998 or other contracts with the executive office shall be distributed to the University and recorded

999 distinctly in the state accounting system. The secretary may negotiate contingency fees for
1000 activities and services related to pursuing federal reimbursement or avoiding costs and the
1001 comptroller shall certify these fees and pay them upon the receipt of this revenue, reimbursement
1002 or demonstration of costs avoided. Contracts for contingency fees shall not exceed 3 years and
1003 shall not be renewed without prior review and approval by the executive office for administration
1004 and finance. The secretary shall not pay contingency fees in excess of \$40,000,000 for state
1005 fiscal year 2014; but contingency fees paid to the University of Massachusetts Medical School
1006 under an interagency service agreement for recoveries related to the special disability workload
1007 projects shall be excluded from that \$40,000,000 limit for fiscal year 2014. The secretary of
1008 health and human services shall submit to the secretary of administration and finance and the
1009 senate and house committees on ways and means a quarterly report detailing the amounts of the
1010 agreements, the ongoing and new projects undertaken by the University, the amounts expended
1011 on personnel and the amounts of federal reimbursement and recoupment payments that the
1012 University collected.

1013 **SECTION 70.** Notwithstanding any general or special law to the contrary, upon receiving a
1014 written request from the secretary of administration and finance, the comptroller shall transfer
1015 to the General Fund all or part of the unexpended balance of a fund, trust fund or other separate
1016 account, in existence on April 1, 2013, whether established administratively or by law,
1017 including a separate account established under section 6 of chapter 6A of the General Laws.
1018 The secretary and comptroller shall report to the house and senate committees on ways and
1019 means 45 days before any such transfer. The request shall certify that the secretary, in
1020 consultation with the comptroller, has determined that this balance, or the specified part of it, is
1021 not to be necessary for the purposes for which it was made available.

1022 **SECTION 71.** Notwithstanding any general or special law to the contrary, the division of
1023 purchase services of the operational services division which, under section 22N of chapter 7 of
1024 the General Laws, as most recently amended by chapter 257 of the acts of 2008, is responsible
1025 for determining prices for programs under chapter 71B of the General Laws, shall authorize the
1026 annual price for out-of-state purchasers requested by a program, not to exceed a maximum price
1027 determined by the division by identifying the most recent price calculated for the program and
1028 applying the estimated rate of inflation for each year, as determined by the division pursuant to
1029 said section 22N of said chapter 7, in which the rate of inflation is frozen beginning with fiscal
1030 year 2004, in a compounded manner for each fiscal year.

1031 **SECTION 72.** Notwithstanding any general or special law to the contrary, the formula for
1032 application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in
1033 fiscal year 2014.

1034 **SECTION 73.** Notwithstanding any general or special law to the contrary, when the comptroller
1035 disposes of the consolidated net surplus for fiscal year 2014 under subsection (a) of section 5C of
1036 chapter 29 of the General Laws, the comptroller shall not carry forward 0.5 per cent of the total
1037 revenue from taxes in fiscal year 2014.

1038 **SECTION 74.** (a) Notwithstanding any general or special law to the contrary, after complying
1039 with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of

1040 the consolidated net surplus in the budgetary funds for fiscal year 2013 by transferring: (i)
1041 \$25,000,000 to the Massachusetts Community Preservation Trust Fund, established by section 9
1042 of chapter 44B of the General Laws; (ii) \$10,000,000 to the Massachusetts Life Sciences
1043 Investment Fund established by section 6 of chapter 23I of the General Laws; (iii) \$10,000,000
1044 to the Housing Preservation and Stabilization Trust Fund, established by section 60 of chapter
1045 121B of the General Laws; (iv) \$7,500,000 to the Social Innovation Trust Fund, established by
1046 section 35VV of chapter 10 of the General Laws; and (iv) the remaining balance to the
1047 Commonwealth Stabilization Fund.
1048 (b) All transfers pursuant to this section shall be made from the undesignated fund balances in
1049 the budgetary funds proportionally from the undesignated fund balances; provided, however, that
1050 no such transfer shall cause a deficit in any of the funds.

1051 **SECTION 75.** Whenever the secretary of administration and finance determines that
1052 procurement reforms or initiatives have resulted in cost savings for an agency of the executive
1053 department during fiscal year 2014, the secretary may reduce allotments under section 9B of
1054 chapter 29 of the General Laws to reflect some or all of the amounts saved, and within 15 days
1055 shall notify in writing the house and senate committees on ways and means. The total amount of
1056 such allotment reductions shall not exceed \$30,000,000 in fiscal year 2014.

1057 **SECTION 76.** Notwithstanding any general or special law to the contrary, the amounts
1058 transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be
1059 made available for the commonwealth's Pension Liability Fund established by section 22 of said
1060 chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said
1061 chapter 32 shall meet the commonwealth's obligations pursuant to said section 22C of said
1062 chapter 32, including retirement benefits payable by the state employees' and the state teachers'
1063 retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant
1064 to section 102 of said chapter 32, for the reimbursement of local retirement systems for
1065 previously authorized cost-of-living adjustments pursuant to said section 102 of said chapter
1066 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984.
1067 The state board of retirement and each city, town, county and district shall verify these costs,
1068 subject to the rules adopted by the state treasurer. The state treasurer may make payments upon a
1069 transfer of funds to reimburse certain cities and towns for pensions to retired teachers, including
1070 any other obligations which the commonwealth has assumed on behalf of any retirement system
1071 other than the state employees' or state teachers' retirement systems and also including the
1072 commonwealth's share of the amounts to be transferred pursuant to section 22B of said chapter
1073 32. All payments for the purposes described in this section shall be made only pursuant to
1074 distribution of monies from the fund, and any distribution and the payments for which
1075 distributions are required shall be detailed in a written report filed quarterly by the secretary of
1076 the executive office for administration and finance with the house and senate committees on
1077 ways and means and the joint committee on public service in advance of this distribution.
1078 Distributions shall not be made in advance of the date on which a payment is actually to be
1079 made. The state board of retirement may expend an amount for the purposes of the board of
1080 higher education's optional retirement program pursuant to section 40 of chapter 15A of the
1081 General Laws. To the extent that the amount transferred pursuant to said subdivision (1) of
1082 said section 22C of said chapter 32 /exceeds the amount necessary to adequately fund the annual
1083 pension obligations, the excess amount shall be credited to the Pension Reserves Investment

1084 Trust Fund, established by subdivision (8) of section 22 of said chapter 32, for the purpose of
1085 reducing the unfunded pension liability of the commonwealth.

1086 **SECTION 77.** (a) Notwithstanding any general or special law to the contrary, upon the request
1087 of the board of selectmen in a town, the city council in a city with a plan E form of government
1088 or the mayor in any other city, the department of revenue may recalculate the minimum required
1089 local contribution, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year
1090 ending June 30, 2014. Based on the criteria established in this section, the department shall
1091 recalculate the minimum required local contribution for a municipality's local and regional
1092 schools and shall certify the amounts calculated to the department of elementary and secondary
1093 education.

1094 (b) A city or town that used qualifying revenue amounts in a fiscal year which are not available
1095 for use in the next fiscal year or that shall be required to use revenues for extraordinary non
1096 school-related expenses for which it did not have to use revenues in the preceding fiscal year or
1097 that has an excessive certified municipal revenue growth factor which is also greater than or
1098 equal to 1.5 times the state average municipal revenue growth factor may appeal to the
1099 department of revenue not later than October 1, 2013, for an adjustment of its minimum required
1100 local contribution and net school spending.

1101 (c) If an appeal is determined to be valid, the department of revenue may reduce proportionately
1102 the minimum required local contribution amount based on the amount of shortfall in revenue or
1103 based on the amount of increase in extraordinary expenditures in the current fiscal year, but no
1104 adjustment to the minimum required local contribution on account of an extraordinary expense in
1105 the budget for the fiscal year ending June 30, 2014, shall affect the calculation of the minimum
1106 required local contribution in subsequent fiscal years. Qualifying revenue amounts shall include,
1107 but not be limited to, extraordinary amounts of free cash, overlay surplus and other available
1108 funds.

1109 (d) If upon submission of adequate documentation, the department of revenue determines that a
1110 municipality's appeal regarding an excessive municipal revenue growth factor is valid, the
1111 department shall recalculate the municipal revenue growth factor and the department of
1112 elementary and secondary education shall use the revised growth factor to calculate the
1113 preliminary local contribution, the minimum required local contribution and any other factor that
1114 directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of
1115 an excessive municipal revenue growth factor shall constitute a permanent reduction in the
1116 minimum required local contribution.

1117 (e) The board of selectmen in a town, the city council in a city with a plan E form of government,
1118 the mayor in any other city or a majority of the member municipalities of a regional school
1119 district which used qualifying revenue amounts in a fiscal year that are not available for use in
1120 the next fiscal year may appeal to the department of revenue not later than October 1, 2013, for
1121 an adjustment to its net school spending requirement. If an appeal is determined to be valid, the
1122 department of revenue shall reduce the net school spending requirement based on the amount of
1123 the shortfall in revenue and reduce the minimum required local contribution of member

1124 municipalities accordingly. Qualifying revenue amounts shall include, but not be limited to,
1125 extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

1126 (f) If the regional school budget has already been adopted by two-thirds of the member
1127 municipalities then, upon a majority vote of the member municipalities, the regional school
1128 committee shall adjust the assessments of the member municipalities in accordance with the
1129 reduction in minimum required local contributions approved by the department of revenue or the
1130 department of elementary and secondary education in accordance with this section.

1131 (g) Notwithstanding clause (14) of section 3 of chapter 214 of the General Laws or any other
1132 general or special law to the contrary, the amounts determined pursuant to this section shall be
1133 the minimum required local contribution described in chapter 70 of the General Laws. The
1134 department of revenue and the department of elementary and secondary education shall notify
1135 the house and senate committees on ways and means and the joint committee on education of the
1136 amount of any reduction in the minimum required local contribution amount.

1137 (h) If a city or town has an approved budget that exceeds the recalculated minimum required
1138 local contribution and net school spending amounts for its local school system or its recalculated
1139 minimum required local contribution to its regional school districts as provided in this section,
1140 the local appropriating authority shall determine the extent to which the community shall avail
1141 itself of any relief authorized by this section.

1142 (i) The amount of financial assistance due from the commonwealth in fiscal year 2014 pursuant
1143 to chapter 70 of the General Laws or any other law shall not be changed on account of any
1144 redetermination of the minimum required local contribution pursuant to this section.

1145 (j) The department of revenue and the department of elementary and secondary education shall
1146 issue guidelines to implement their respective duties pursuant to this section.

1147 **SECTION 78.** (a) Notwithstanding any general or special law to the contrary, the comptroller
1148 shall, on or before June 30, 2014, transfer \$350,000,000 to the General Fund from the
1149 Commonwealth Stabilization Fund; provided, however, the comptroller shall instead transfer a
1150 lesser amount if the secretary of administration and finance so requests in writing. The
1151 comptroller, in consultation with the secretary of administration and finance, may take the
1152 overall cash flow needs of the commonwealth into consideration in determining the timing of
1153 any transfer of funds. The comptroller shall provide a schedule of transfers to the secretary of
1154 administration and finance and to the house and senate committees on ways and means.

1155 (b) Notwithstanding clause (a) of section 5C of chapter 29 of the General Laws or any other
1156 general or special law to the contrary, during fiscal year 2014 the comptroller shall not transfer
1157 0.5 per cent of the total revenue from taxes in the preceding fiscal year to the Commonwealth
1158 Stabilization Fund, as required by said clause (a). However, upon written certification by the
1159 secretary of administration and finance that there are sufficient funds to make some or all of the
1160 transfer required under said clause (a), the comptroller shall so transfer the amount certified. The
1161 comptroller, in consultation with the secretary of administration and finance, may take the
1162 overall cash flow needs of the commonwealth into consideration in determining the timing of

1163 any transfer of funds under this subsection. The comptroller shall provide a schedule of transfers
1164 to the secretary of administration and finance and to the house and senate committees on ways
1165 and means.

1166 (c) Notwithstanding any general or special law to the contrary, the comptroller shall, on or before
1167 June 30, 2014, transfer the interest earned from the Commonwealth Stabilization Fund during
1168 fiscal year 2014 to the General Fund.

1169
1170 **SECTION 79.** The salary adjustments and other economic benefits authorized by the following
1171 collective bargaining agreements shall be effective for the purposes of section 7 of chapter 150E
1172 of the General Laws:

- 1173 (1) between the commonwealth and the Massachusetts Nurses Association, Unit 7;
- 1174 (2) between the commonwealth and the Professional Firefighters of Massachusetts, Unit 11;
- 1175 (3) between the Hampden sheriff and the National Correctional Employees Union, Unit SH4;
- 1176 (4) between the Hampden sheriff and the Non-Uniform Correctional Association, Unit SH2;
- 1177 and
- 1178 (5) between the Hampden sheriff and the Superior Correctional Officer Association, Unit
1179 SH3.

1180 **SECTION 80.** Notwithstanding clause (xxiii) of the third paragraph of section 9 of chapter
1181 211B of the General Laws, or any other general or special law to the contrary, the court
1182 administrator may, from the effective date of this act through April 30, 2014, transfer funds
1183 from any item of appropriation within the trial court; provided, however, that the court
1184 administrator may transfer not more than 5 per cent of funds from each of the items 0339-1001
1185 and 0339-1003 to any other item of appropriation within the trial court. These transfers shall be
1186 made in accordance with schedules submitted to the house and senate committees on ways and
1187 means. The schedule shall include: (1) the amount of money transferred from any item of
1188 appropriation to any other item of appropriation; (2) the reason for the necessity of the transfer;
1189 and (3) the date on which the transfer shall be completed. A transfer under this section shall not
1190 occur until 10 days after the revised funding schedules have been submitted in written form to
1191 the house and senate committees on ways and means.

1192 **SECTION 81.** (a) Notwithstanding any general or special law, rule or regulation to the contrary,
1193 there is hereby established an oversight committee for indigent defense contracts, hereinafter the
1194 committee, consisting of 7 members: 1 of whom shall be appointed by the governor; 1 of whom
1195 shall be appointed by the speaker of the house of representatives; 1 of whom shall be appointed
1196 by the president of the senate; and 4 of whom, shall be appointed by the justices of the supreme
1197 judicial court who shall request and give consideration to nominees from the Massachusetts Bar
1198 Association, the Middlesex County Bar Association and other appropriate bar associations. The
1199 court shall designate the chair of the committee. All members of the committee shall have a
1200 strong commitment to quality representation in indigent defense matters or have significant
1201 experience with issues related to indigent or criminal defense. The term of office of each member
1202 of the committee shall be 2 years. Members of the committee may be removed for cause by the
1203 justices of the supreme judicial court. Vacancies shall be filled by the authority that made the

1204 initial appointment to the unexpired term of the appointee within 60 days of the occurrence of the
1205 vacancy. No member shall receive any compensation for service on the committee, but each
1206 member shall be reimbursed for actual expenses incurred in attending committee meetings. A
1207 member of the committee who may have an interest or involvement in any matter before the
1208 committee shall disclose to the committee the nature of the interest which shall be recorded in
1209 the minutes of the committee. No member of the committee shall participate in any particular
1210 matter before the committee in which they have a direct financial interest.

1211 (b) The committee shall administer a pilot program in Middlesex county for competitively bid
1212 indigent defense contracts. For calendar year 2014, the program shall seek to award by contract
1213 25 per cent of new district court cases in Middlesex county that are otherwise served by private
1214 bar advocates, to qualified attorneys affiliated with private or non-profit entities on a capped fee
1215 basis. The committee shall construct guidelines for the consideration of indigent defense
1216 providers and issue an accompanying request for proposals according to those guidelines. The
1217 committee shall refer to, but not be limited by, the National Legal Aid and Defender
1218 Association's Guidelines for Negotiation and Awarding Indigent Defense Contracts and the
1219 American Bar Association's Standards for Criminal Justice in constructing the committee's
1220 guidelines. The committee shall issue a request for proposals and award contracts for indigent
1221 defense services to bidders according to the accepted guidelines of the committee. The
1222 committee may award a contract to more than 1 qualified bidder to ensure adequate
1223 representation is achieved without exceeding recommended caseload limits.

1224 (c) In developing a request for proposals, the committee shall consult with the committee for
1225 public counsel services to determine the annual average number of district court cases handled
1226 by private bar advocates in Middlesex county. Any request for proposal shall state the expected
1227 district court caseload to be handled by contract attorneys as well as the prequalifications for any
1228 attorney providing indigent defense services. Contracts shall be awarded at the discretion of the
1229 committee in accordance with their guidelines to a qualified bidder or bidders who can provide
1230 cost effective quality representation. Before issuance, the request for proposals shall be
1231 submitted to the state inspector general for review to ensure that the contract process will be
1232 competitively procured in compliance with the goals and guidelines set forth under this section;
1233 provided, however, that contracts procured under this section shall not be subject to chapter 30B
1234 of the general laws or any other general or special law regulating the procurement of services by
1235 an agent of the commonwealth. Accepted contracts shall be subject to review by the inspector
1236 general.

1237 (d) The committee shall develop performance standards for providing quality public defense
1238 services to be followed by any entity awarded a contract for indigent defense service under this
1239 section. Standards shall include, but not be limited to, caseload limits, case weighting and
1240 required training of all attorneys providing indigent services under the contract. In addition, the
1241 committee shall implement a process for data collection and record keeping. Attorneys
1242 providing indigent services under this section shall not receive hourly pay or be subject to

1243 limitations on hours worked under chapter 211D of the General Laws. The committee shall
1244 submit its proposed standards to the justices of the supreme judicial court for approval on or
1245 before September 2, 2013.

1246 (e) The committee shall issue a quarterly report on the progress and standing of the indigent
1247 defense contracts to the house and senate committees on ways and means, the first of which is
1248 due on or before September 2, 2013. The committee shall implement an indigent defense
1249 contract program as set forth in this section by January 1, 2014.

1250 **SECTION 82.** Notwithstanding any general or special law to the contrary the committee on
1251 public counsel services shall coordinate with the oversight committee for indigent defense
1252 contracts established by section 81 to determine the average number of annual cases handled by
1253 private bar advocates in the district courts of Middlesex county. The committee on public
1254 counsel services shall execute an interagency service agreement with the oversight committee for
1255 indigent defense contracts for the assignment of indigent cases in Middlesex county district
1256 courts and for the payment of services of attorneys providing indigent representation under the
1257 indigent defense contract pilot program established under said section.

1258 **SECTION 83.** (a) If, upon the University of Massachusetts receiving the full allotment of their
1259 base appropriation in line item 7100-0200, in an amount not less than \$479,755,373 for fiscal
1260 year 2014, the University of Massachusetts shall not increase mandatory curriculum fees for
1261 students at the University of Massachusetts for the fall 2013 school year.

1262 (b) If, upon the University of Massachusetts receiving the full allotment of their base
1263 appropriation in line item 7100-0200, in an amount not less than \$518,755,373 for fiscal year
1264 2015, the University of Massachusetts shall not increase mandatory curriculum fees for students
1265 at the University of Massachusetts for the school year beginning in the fall of 2014.

1266 (c) the University of Massachusetts shall annually report to the senate and house committee on
1267 ways and means, the joint committee on higher education, the secretary of administration and
1268 finance and the secretary of education: (1) the status of the percentage of student education costs
1269 placed upon the student and subsidized by the commonwealth with the goal of providing
1270 education costs to students at an equal 50/50 share between the commonwealth and the students;
1271 (2) a comprehensive document articulating the efficiencies and effectiveness of initiatives and
1272 programs at the University of Massachusetts that save the commonwealth and students money
1273 and make the 5 campus system operate more efficiently.

1274 **SECTION 84.** Notwithstanding any general or special law to the contrary, the department of
1275 correction shall reprocure food and commissary services provided at all institutions with a
1276 contract to decrease expenses and increase efficiencies throughout the department. The
1277 department shall solicit new bids for such services and reprocurement shall be subject to an open
1278 and competitive bid process. The department of corrections shall file a report with the house and
1279 senate committees on ways and means on reprocurement progress and projected cost-savings on
1280 or before January 15, 2014. In executing the reprocurement of such services, the department

1281 shall notify each county sheriff who may elect to participate in the reprocurement of such
1282 services.

1283 **SECTION 85.** Notwithstanding any general or special law to the contrary, the director of the
1284 bureau for program integrity shall review the management and operations of the department of
1285 transitional assistance, including any reports conducted by external consultants, and recommend
1286 whether the current organizational structure is effective for ensuring that only those persons who
1287 are eligible receive public benefits. In examining the organizational structure, the director shall
1288 study and report on whether the department would benefit from additional investigators to work
1289 with caseworkers to identify cases of waste or abuse. The director shall also make
1290 recommendations on a standardized filing system for case file organization to be implemented
1291 throughout all of the department's offices. The director shall make a report to the general court
1292 on the director's recommendations by filing the same with the clerks of the senate and house of
1293 representatives on or before March 1, 2014.

1294 **SECTION 86.** Notwithstanding any general or special law to the contrary, the department of
1295 transitional assistance shall take the following factors into account when determining a person's
1296 eligibility for Transitional Aid to Families with Dependent Children, or TAFDC, benefits
1297 administered by the department: (1) the financial value of business assets; (2) proof of income or
1298 assets of unverified applicants; and (3) the assets or income of responsible relatives. In addition,
1299 any landlord verification and shared housing verification forms shall be signed under pains and
1300 penalties of perjury.

1301 **SECTION 87.** Notwithstanding any general or special law to the contrary, the department of
1302 transitional assistance shall evaluate current procedures for the use of numerical identifiers used
1303 as alternatives to social security numbers and develop and implement uniform procedures and
1304 timelines for the acquisition of valid social security numbers; provided, however, that the
1305 department shall not use numerical identifiers other than valid social security numbers for time
1306 periods in excess of 6 months.

1307 **SECTION 88.** Notwithstanding any general or special law to the contrary, and where federally
1308 permissible, the department of transitional assistance and the department of elementary and
1309 secondary education shall develop and implement a statewide system to verify school
1310 attendance.

1311 **SECTION 89.** There is hereby established a special task force on state verification and
1312 eligibility consisting of 5 members: the state auditor, or a designee; the attorney general, or a
1313 designee; the inspector general, or a designee; the state treasurer and receiver general, or a
1314 designee; and the secretary of administration and finance, or a designee, who shall serve as chair
1315 of the task force. The task force shall make an investigation and study of the following issues:
1316 (1) the development of a common eligibility standard to be applied to all agencies of the
1317 commonwealth administering public assistance programs; (2) the obstacles to the
1318 implementation of a common eligibility standard; (3) the fiscal impacts to the commonwealth of
1319 implementing a common eligibility standard; (4) any federal limitations on the implementation
1320 of such a standard; and (5) any ancillary impacts to the commonwealth or recipients of public
1321 benefits. Subject to appropriation, the task force may hire an independent consultant to conduct

1322 research and assist with the development of any recommendations. The task force shall report to
1323 the general court the results of its investigation and study, and its recommendations, if any,
1324 together with drafts of legislation to carry its recommendations into effect, by filing the same
1325 with the clerks of the senate and house of representatives on or before December 31, 2013.

1326 **SECTION 90.** Notwithstanding any general or special law to the contrary and in compliance
1327 with federal law, the department of transitional assistance shall enter into an agreement with the
1328 United States Department of Agriculture's Food and Nutrition Services Bureau to become a
1329 State Law Enforcement Bureau in order for the department to be granted the authority to conduct
1330 investigations into Supplemental Nutritional Assistance Program, or SNAP, fraud and coordinate
1331 with local law enforcement to investigate retailers for violations of the SNAP program.

1332 **SECTION 91.** The executive office of health and human services shall file a report with the
1333 house and senate committees on ways and means on or before October 31, 2013, detailing the
1334 status of the integrated eligibility system and the status of data matching efforts with other
1335 agencies and departments, including but not limited to, the department of revenue, the
1336 department of elementary and secondary education, the department of unemployment assistance,
1337 the department of industrial accidents, the registry of motor vehicles, the department of criminal
1338 justice information services and the department of corrections.

1339 **SECTION 92.** (a) There is hereby established and set up on the books of the commonwealth, a
1340 separate fund to be known as the Essex Regional Emergency Communications Center Fund to be
1341 administered by the Essex county sheriff. The fund shall be used for the operation of the Essex
1342 Regional Emergency Communications Center, or RECC, to provide centralized emergency
1343 communication services to participating communities.

1344 (b) There shall be credited to the fund amounts from the following sources:

- 1345 (1) The per capita assessment based on population on each member city or town that has
1346 accepted and executed the RECC Intermunicipal Agreement for the Joint Provision of Public
1347 Safety Communications, Dispatch and Operations Services (IMA);
1348 (2) Any State 911 competitive grant funds secured by the RECC; and
1349 (3) Any other funding, including, but not limited to, appropriation, gift, grant, contribution,
1350 transfer or investment.

1351 (c) The Essex county sheriff shall annually assess on each member city or town its proportionate
1352 share of the net costs of operating the RECC in accordance with the annual budget approved by
1353 the finance advisory board established by the IMA. The sheriff shall certify such costs for the
1354 ensuing fiscal year to the department of revenue to be included as an assessment on each
1355 participating city or town's cherry sheet.

1356 (d) Amounts credited to the fund shall be available for expenditure by the Essex county sheriff,
1357 without further appropriation. Expenditures from the fund shall be made for the operating costs
1358 of the RECC in compliance with the annual operating plan and budget adopted by the finance
1359 advisory board under the IMA; provided, however, that funds shall not be used toward the
1360 capital budget requirements of the Essex County Regional Emergency Communications. Any

1361 unexpended balance in the fund shall not revert and shall be available for in the subsequent fiscal
1362 year.

1363 (e) The Essex county sheriff, in consultation with the director of the RECC, shall report annually
1364 to the general court its planned expenditures for the next fiscal year; the expenditures made in the
1365 last fiscal year; and the balance remaining in the fund. The report shall be filed on or before
1366 October 31 with the clerks of the house of representatives and senate and forwarded to the house
1367 and senate committees on ways and means.

1368 **SECTION 93.** (a) There shall be a special commission on dental insurance. The commission
1369 shall review carrier contracts with dental providers and the methods by which dental providers
1370 are reimbursed for services provided to persons covered under the carriers' dental plans. The
1371 commission shall study all facets of fees charged by dentists within network dental plans,
1372 including those limited by the terms of a dentist's contract with carriers. The commission shall
1373 make recommendations to ensure that contract terms and methods of reimbursing dental
1374 providers promote the delivery of quality and affordable dental care in the commonwealth.

1375 (b) The commission shall be comprised of the following 21 members: the undersecretary of the
1376 office of consumer affairs and business regulation, or a designee, who shall serve as chair; the
1377 commissioner of insurance, or a designee; the executive director of the group insurance
1378 commission, or a designee; the executive director of the commonwealth health insurance
1379 connector authority, or a designee; the MassHealth director or a designee; the executive director
1380 of the health policy commission, or a designee; 2 members of the senate appointed by the
1381 president; 2 members of the house of representatives appointed by the speaker; 1 member of the
1382 senate and 1 member of the house of representatives appointed by the minority leader of each; 2
1383 dentists appointed by the Massachusetts Dental Society, 1 of whom shall be a general dentist and
1384 1 of whom shall be a specialist; 1 representative of each of the following 4 organizations: the
1385 Retailers Association of Massachusetts; the Life Insurance Association of Massachusetts; Health
1386 Law Advocates; and Health Care for All; and 3 persons to be named by the chair, 1 of whom
1387 shall represent a medical service corporation authorized to operate under chapter 176B of the
1388 General Laws, and 1 of whom shall represent a dental service corporation authorized to operate
1389 under chapter 176E of the General Laws.

1390 (c) The commission shall hold its first meeting within 60 days after passage of this act. The
1391 commission shall file a report detailing its work and findings, including any legislative
1392 recommendations, with the clerks of the house of representatives and the senate on or before
1393 December 31, 2013.

1394 **SECTION 94.** (a) There shall be a special commission on higher education efficiencies and
1395 finance consisting of the following members: the secretary of education, or a designee, who shall
1396 serve as chair of the commission; the commissioner of higher education, or a designee; the chair
1397 of the University of Massachusetts board of trustees; the house and senate chairs of the joint
1398 committee on higher education, or their designees; 6 persons to be appointed by the secretary of
1399 education, 1 of whom shall be selected from a list of 3 nominees submitted by the Massachusetts
1400 Teachers Association, 1 of whom shall be selected from a list of 3 nominees submitted by the

1401 council of presidents of the state university system, 1 of whom shall be selected from a list of 3
1402 nominees submitted by the Massachusetts Community Colleges Executive Office, 1 of whom
1403 shall be selected from a list of 3 nominees submitted by the Association of Independent Colleges
1404 and Universities of Massachusetts, 1 of whom shall be selected from a list of 3 nominees
1405 submitted by the Massachusetts Competitive Partnership; and a student representative currently
1406 enrolled in a public higher education institution in the commonwealth.

1407 (b) The commission shall seek to define a sustainable model of financing for public higher
1408 education and the appropriate relative contributions of students and families, the commonwealth,
1409 and all other sources, including federal grants.

1410 (c) In addition, the commission shall examine, report on, and make recommendations on the full
1411 range of issues affecting public higher education financing in the commonwealth, including but
1412 not limited to: (1) leveraging current efficiencies and reforms, such as performance incentive
1413 grants and the partnership for collaboration and efficiencies initiative; (2) working to better
1414 understand and allocate all available resources to the campuses, including understanding current
1415 revenue structures; (3) enhancing operational efficiencies in the areas of human resources,
1416 purchasing and information technology and eliminating redundancies; (4) rationalizing the
1417 definition of tuition and fees in a manner that is transparent and consumer friendly; (5) re-
1418 evaluating the historical financing mechanisms that now restrict coherent fiscal planning,
1419 including, but not limited to tuition retention and the fiscal structure of continuing education
1420 classes; (6) reviewing currently offered tuition and fee waivers, including (i) which waivers are
1421 still of policy value, (ii) which should be the fiscal responsibility of campuses and which of the
1422 commonwealth, and (iii) addressing the loss of revenue to campuses from the implementation of
1423 tuition retention and a redefinition of tuition and fees; (7) integrating campus capital planning
1424 with operating expenditures, including an itemized review of expenditures of \$50,000 or greater;
1425 (8) evaluating the appropriate adjunct faculty to full-time faculty ratio, with a review of the use
1426 of adjunct or part-time faculty, the number and use of full-time and tenure-track faculty across
1427 the system and the ability of the current system to attract and retain highly qualified faculty and
1428 staff; (9) assessing the number of developmental students being served under the current system
1429 and at which institutions, and the adequacy of academic and related support systems in place for
1430 both the number and types of students served; and (10) maximizing student investment while
1431 attending an institution for public higher education. In particular, the commission shall
1432 recommend improved efficiencies of operation in public higher education that could lead to cost
1433 savings and improvements to fiscal controls, planning, and cost allocation. Subject to
1434 appropriation, the commission may hire temporary staff or consultants to assist with the research
1435 and development of any policy recommendations of the commission. The first meeting of the
1436 commission shall take place within 45 days after the effective date of this act. The commission
1437 shall file a report containing its recommendations, including legislation necessary to carry out its
1438 recommendations, with the clerks of the house and senate on or before June 30, 2014.

1439 **SECTION 95.** There shall be a special commission to make an investigation and study of early
1440 education services and make recommendations to enhance said services where appropriate and
1441 necessary. The special commission shall consist of the commissioner of early education and care,
1442 who shall serve as chair; the house and senate chairs of the joint committee on education, or
1443 their designees, and the house and senate chairs of the joint committee on children, families and

1444 persons with disabilities, or their designees; the child advocate, or a designee; the commissioner
1445 of transitional assistance, or a designee; the commissioner of children and families, or a
1446 designee; and 3 members appointed by the governor, 1 of whom shall be a member of the
1447 Massachusetts bar who practices in the area of family law or juvenile defense; 1 of whom shall
1448 be a provider of early education and care; and 1 of whom shall be a social worker with
1449 experience in serving families with children.

1450 The commission shall collect and examine data relative to the need for greater access to
1451 affordable, quality early education and care and the timely placement of children in early
1452 education and care programs. The commission shall assess the funding and programming needed
1453 to enhance early education and care services, including the possibility of trimming the budget
1454 through targeted efficiency measures and entering into public-private partnerships to bolster the
1455 timely placement of children in affordable, quality early education and care programs. The
1456 commission shall also examine methods for addressing the high cost of child care and expanding
1457 the availability of affordable child care services for families receiving transitional assistance,
1458 including an examination of methods for determining initial and continuing eligibility for such
1459 services.

1460 The commission, in formulating its recommendations, shall take into account the best policies
1461 and practices in other states and jurisdictions, including, but not limited to, those relating to
1462 budgeting and assessment strategies. The commission shall be empowered to hold regular public
1463 meetings, fact-finding hearings and other public forums as it considers necessary. The
1464 commission shall hire an independent consultant to conduct the research and assist with the
1465 preparation of any recommendations. The commission shall file its recommendations, together
1466 with recommendations for legislation, if any, with the clerks of the house of representatives and
1467 senate on or before June 30, 2014.

1468 **SECTION 96.** There shall be established a public-private partnership commission that shall
1469 review and evaluate the administration and fiscal impact of public-private partnership policies or
1470 other alternate finance and delivery methods in the commonwealth, including but not limited to
1471 design-build-finance-operate-maintain or design-build-operate-maintain services, as defined in
1472 section 62 of chapter 6C of the General Laws. The commission shall make recommendations to
1473 the General Court on the current practices, administrative efficiency, and cost benefit of
1474 increased usage of public-private partnerships or alternate finance and delivery methods. A
1475 report of the commission's findings shall be filed with the clerks of the house of representatives
1476 and senate on or before June 30, 2014, which shall include any recommendations regarding
1477 changes to the administration or evaluation of the current policies governing public-private
1478 partnerships or other alternate finance and delivery methods in order to maximize opportunities
1479 to meet public infrastructure needs. The report shall also include an examination of how public-
1480 private partnerships and alternate finance and delivery methods may be applied to various types
1481 of infrastructure projects including but not limited to transportation, higher education facilities
1482 and housing and economic development projects.

1483 The commission shall have 11 members, the secretary of administration and finance or the
1484 secretary's designee, who shall serve as chair; the state treasurer and receiver general or the
1485 treasurer's designee; the inspector general or the inspector general's designee; the secretary of
1486 housing and economic development or the secretary's designee; the secretary of transportation or

1487 the secretary's designee; 1 of whom shall be appointed by the president of the senate; 1 of whom
1488 shall be appointed by the speaker of the house; and 4 members to be appointed by the Governor,
1489 1 of whom shall represent organized labor; 1 of whom shall be a representative of the business
1490 community; 1 whom shall be a representative of public higher education; and 1 of whom shall be
1491 a representative of a regional planning agency.

1492 **SECTION 97.** There shall be established and set up on the books of the commonwealth a
1493 separate fund to be known as the Section 1202 Trust Fund, in this section called the fund. An
1494 amount equal to federal financial participation received for the portion of expenditures eligible
1495 for 100 per cent federal financial participation under Section 1202 of the Patient Protection and
1496 Affordable Care Act and regulations adopted under it shall be deposited into the fund. The
1497 secretary of health and human services shall be the trustee of the fund, and shall expend it,
1498 without further appropriation, exclusively for services provided in calendar years 2013 and 2014
1499 that are eligible for 100 per cent federal financial participation under Section 1202. The secretary
1500 may incur, and the comptroller may certify for payment from the fund, expenses in anticipation
1501 of expected receipts; but no expenditure shall be made from the fund that shall cause it to be in
1502 deficit at the close of a fiscal year. Any remaining balances in the fund at the end of a fiscal year
1503 shall not revert to the General Fund, but instead shall be available during the following fiscal
1504 year for the purposes of this section. Funds may be expended for services provided in prior
1505 fiscal years.

1506 **SECTION 98.** Section 97 is hereby repealed.

1507 **SECTION 99.** Notwithstanding any general or special law to the contrary, upon receiving a
1508 written request from the secretary of administration and finance, the comptroller shall transfer to
1509 the Medical Assistance Trust Fund established under section 14Q of chapter 151A of the General
1510 Laws all of the unexpended balance of the Medical Security Trust Fund in existence on
1511 December 31, 2013.

1512 **SECTION 100.** Section 51 shall take effect on December 31, 2013.

1513 **SECTION 101.** Section 52 shall take effect on January 1, 2014.

1514 **SECTION 102.** Section 98 shall take effect on June 30, 2015.

1515 **SECTION 103.** Except where otherwise specified, this act shall take effect on July 1, 2014.